



# CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION

Agenda

December 11, 2017

City of Whitewater Municipal Building

Community Room

312 W. Whitewater St., Whitewater, Wisconsin

6:30 p.m.

1.	Call to order and Roll Call.
2.	<b><u>Hearing of Citizen Comments.</u></b> No formal Plan Commission Action will be taken during this meeting, although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Plan Commission discusses that particular item.
3.	Review and approve the Plan Commission minutes of September 11, 2017 and October 9, 2017.
4.	Review proposed minor change to the conditional use permit “to have no more than one employee on the premises <b>at a time</b> other than members of the resident family” to operate their home occupation at 409 E. Cravath Street for James McKenzie.
5.	Hold a public hearing for consideration of a conditional use permit for the construction of a duplex to be located at 412 S. Summit Street for J & S Summit LLC. (James and Stevie Taylor).
6.	Review extra-territorial rezoning from Industrial to R-2 for the parcel located at N462 Tratt Street for Eugene Gutzmer, Jr.
7.	Continue the public hearing from the October 9, 2017 Plan Commission meeting for Formal Action for the City of Whitewater Comprehensive Plan future land use designation for Parcel # /WUP 00325 (Walworth Ave. Parcel). (This parcel is located west of the “bridge to nowhere”).
8.	Update on Housing Committee meeting.
9.	Information Items: a. Possible future agenda items. b. Next regular Plan Commission Meeting – January 8, 2017
10.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Neighborhood Services Director, 312 W. Whitewater Street, Whitewater, WI, 53190 or [jwegner@whitewater-wi.gov](mailto:jwegner@whitewater-wi.gov).

The City of Whitewater website is: [whitewater-wi.gov](http://whitewater-wi.gov)

*It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information over which they may have decision-making responsibility; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.*

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
September 11, 2017

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Greg Meyer, Kristine Zaballos, Lynn Binnie, Sherry Stanek, Tom Miller, Bruce Parker, Tom Hinspater. Absent: None. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

**Hearing of Citizen Comments.** No Comments.

**Approval of the Plan Commission Minutes.** Moved by Zaballos and seconded by Binnie to approve the minutes of the July 10, 2017 Plan Commission meeting. Motion approved by unanimous voice vote. The minutes of August 7, 2017 were not available for review.

**Review of City Planner Report for Tax Parcel /WUP 00325.** Chairperson Meyer explained that there would be no action taken at this meeting on this item.

City Planner Chris Munz-Pritchard did a brief overview of the history of this property from her memorandum dated August 14, 2017. There are no proposed developments for this area. She did not find any indication that the property would be used only for single family housing.

Plan Commission members voiced: provide information for future meetings re: how DOT designates high density noise impact zones; warn proposed developers that there will be noise in the area; changing from residential to mixed use gives a lot more emphasis to commercial.

Chairperson Meyer opened for public comment with a reminder that there would be no formal action at this meeting, but that he would be requesting it for next month's meeting.

John Hoffmann, part owner of the parcel (WUP 00325) north of the bypass and west of Indian Mound Parkway, stated that the memorandum is a good start to understand how we have come here. Some items are left out and there is a major gap of information. On page one, he wanted to emphasize that the owner did not ask to be annexed. The City asked for them to annex in order to have more to push back the bypass. The City asked them to put together a potential residential development to show the DOT what could be done. There were about 534 single family lots. The cost to have the potential residential development drawn up was \$2700.00. On page three, the owner of the property donated 1.4 acres for the well and 8 acres for Indian Mound right of way and approaches. The land west of the bridge and north of the bypass at that time was designated as Community Commercial. In 2009 the Southwest Neighborhood Plan was

adopted by the Plan Commission and City Council. On page 4, this is a relatively small site area, the range and future commercial uses would be somewhat limited. Future uses would include a grocery store, sit down restaurant, office building, etc. Maximum size for any single commercial use would be limited to 70,000 sq. ft. and maximum building height of 2 ½ stories. The big gap came when the Neighborhood Development Plan turned into the Comprehensive Plan, describing existing and future land use. During the public hearing process, a small neighborhood group voiced objection to maintaining the future land use as recommended by the Planners and best use studies to the Plan Commission and City Council. The City Council decided to change the parcel from Community Commercial to residential. They put a knife into having a working plan for the whole community. What good has come from best use plans when small groups can determine what is best for the whole community.

Chairperson Meyer closed the public comment. There were no more comments by the Plan Commission.

**Public hearing for the Plan Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, to consider a request for a Change in the District Zoning Map for an amendment to the zoning of the property located at 713 W. High Street to impose R-2A Residential Overlay District Zoning Classification under Chapter 19.19 on the property for 254 Prairie LLC. (Marcus Tincher).** This item to be considered with the following item.

**Public hearing for a conditional use permit, in an R-2A Residential Overlay Zoning District, to allow for 5 unrelated persons to live in the house located at 713 W. High Street for 254 Prairie LLC. (Marcus Tincher).** Chairperson Meyer opened the public hearing.

City Attorney McDonell stated that anything talked about for the amendment to zoning (#5) applies to the conditional use permit (#6).

City Planner Chris Munz-Pritchard explained that the amendment to zoning and the conditional use application are to increase unrelated occupancy from 3 to 5. She went through her report and read her recommendations. Building Inspector Greg Noll inspected the property on August 28, 2017 to confirm what was there. Since then, the applicant has brought in updated drawings.

Plan Commission members voiced concerns of: were calculations done for the parking in rear yard?; Is this property located in the designated R-2A Overlay area?; pleased that the building inspector made the visit, but wondered if the measurements were confirmed.

City Planner Chris Munz-Pritchard explained that she wanted the building inspector to make sure the home had a legitimate finished basement. She will request that the Building Inspector makes his report more clear.

When asked about the parking stalls, Marcus Tincher stated that he would like to keep all three proposed stalls in the rear yard, but one stall would be sufficient. When asked where the dumpsters would be stored, he said they would have residential garbage totes.

Chairperson Meyer opened for public comment.

Plan Commission members voiced concerns of: there is not room for three parking stalls in the rear yard; one egress window comes out into the screen room; concerned that the City is finally getting to a place that there is no need for turning houses into duplexes with 5 persons in each unit; is there a need to keep converting single family to student housing?; There are 200 less students this year.

Plan Commission had a short discussion about how many units were added over the years. It was requested to invite the landlords to come to speak and give their take on the housing situation and how does it track to enrollment. Consider the need for single family homes.

City Planner Munz-Pritchard stated that she will be putting funds in the budget to do a housing assessment. It probably would not start until late 2018 and go into early 2019.

Chairperson Meyer closed the public comment.

Moved by Binnie and Zaballos to recommend to the Common Council to change the District Zoning Map to amend the zoning of the property located at 713 W. High Street to impose R-2A Residential Overlay District Zoning Classification under Chapter 19.19 for 254 Prairie LLC. (Marcus Tincher) and to conditionally approve the Conditional Use Permit to allow for five unrelated persons to live in the house at 713 W. High Street with the recommendations of the City Planner with the revisions of: #1 only one parking space in the rear yard; #3 It appears the home does not meet the minimal requirements of 1720 square feet for 5 unrelated individuals subject to verification by the Building Inspector and the addition of 2 egress windows.; #4 After due process is afforded, the conditional use permit will be revoked if home is over occupied. (See attached conditional use permit.) Ayes: Binnie, Zaballos, Hinspater, Parker, Stanek, Miller, Meyer. No: None. Absent: None. Motion approved.

**Public hearing for a conditional use permit to allow for the sale of vehicles at the auto repair shop located at 265 S. Wisconsin Street (Five Star Auto Repair) for Daryl Lopez and Jack Meck.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a request for a conditional use permit to add car sales onto an existing use of the automotive servicing and repairs building located at 265 S. Wisconsin Street. In February 2011, a conditional use permit was approved for an automotive repair business to be located at this address for Daryl and Fabian Lopez. She noted the requirements for that conditional use approval time were in her Planner Report. City Planner Munz-Pritchard went through her recommendations.

Plan Commission members voiced concerns of: parking of vehicles on neighboring property; couple of junk cars (vehicles with no engines); number of tires outside the building; asked if going to get a retail license to sell vehicles; asked if applicant was going to offer to trade old vehicle toward a newer vehicle

Daryl Lopez stated that he moves his cars back and forth on his property. He is in the process of getting another facility for storage of tires etc. Daryl Lopez just wanted to offer his customers the option of a better vehicle. He would not be taking trade-in vehicles.

City Attorney McDonell stated that the City does not have a license requirement to sell vehicles. The State has regulations. He stated that the Plan Commission does not need to make that a part of their approval. The Plan Commission can state in their approval that "all other regulations and licenses need to be complied with".

Chairperson Meyer opened for public comment. There were no comments.  
Chairperson Meyer closed public comment.

Plan Commission Member Parker asked that the applicant be given a large copy of the survey of the property so he will know where his property lines are.

Moved by Binnie and seconded by Parker to conditionally approve the conditional use permit for the request to be able to sell vehicles at 265 S. Wisconsin Street subject to the City Planner's recommendations with the following changes: delete 2e; renumber 2f as 2e. #3. Running vehicles that are clearly labeled for sale must be parked in striped parking spaces and cannot be stacked. #4. Any vehicles that are not labeled for sale can only be kept outdoors for no more than 14 consecutive days nor deliberately removed and returned to the site in an attempt to circumvent this requirement. #5. No junk or unlicensed vehicles shall be kept outdoors. #6. Landscaping or fencing shall be provided and installed for parking area located adjacent to residential. #7. All changes in signing will meet the requirements per Sign ordinance 19.54. #8. All other regulations and licenses shall be complied with. #9. Any other conditions identified by the Plan Commission. (See attached conditional use permit.) Ayes: Binnie, Parker, Zaballos, Hinspater, Stanek, Miller, Meyer. No: None. Absent: None. Motion approved.

**Public hearing for consideration of a conditional use permit to allow for the conversion of a single family home into a duplex at 329 S. Scott Street for Land and Water Investments LLC. (Matt Kuehl).** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard went through part of her report and her recommendations. City of Whitewater ordinance 19.51.050 requires 8 parking stalls for 10 bedrooms. She suggested using a combined parking area with the property at 531 W. Scott Street (as the applicant owns that property also). This would save on impervious surface for both properties. The maximum lot coverage and maximum impervious surface numbers had not been provided. They will need to remove the garage at 329 S. Scott Street which will need a demolition permit. Scott Street was designed as an alley way. It is a very narrow street. Each unit will have no more than 5 unrelated persons. The adequacy of the utility services for the building will need to be determined to accommodate the increased density.

Matt Kuehl explained that they do quality work, the property needs a lot of upgrades and they want to do the least amount and still have a viable project. He has done storm water management for another project on the other side of this block. There is a storm water detention basin there. This project will not affect storm water. There is driveway where the addition will be and there is a huge green space behind this property where all the water goes. They have been

working on alternatives to the parking in the area where most of the traffic would flow out onto S. Franklin Street. The parking for this project is just for this particular property. In the future they plan to come in with a plan for improving parking and traffic flow. Matt Kuehl is okay with landscaping on either side of the parking for screening, but not at the back of the property as they would be removing it later. He felt that a Knox box on a duplex was overkill, but he would do it if it was required.

Plan Commission members voiced their concerns of: traffic on Scott Street; how will the garbage be handled; previous projects have contributed to the traffic problems.

Matt Kuehl stated that the traffic from his residential units would be 25 -30 vehicles on the street. They will have an enclosed dumpster to manage their garbage.

Chairperson Meyer opened for public comment.

Donna Henry, 347 S. Janesville Street, explained that her garage is off Scott Street. It is very difficult to back out of the garage onto Scott Street. The problem in the area is not the kids. The problem is the cars. She explained that Scott Street started as a meadow lane up to a farm house on Walworth Ave. In the 40's, curb and gutter was put in. Garages are next to the street. When cars are parked on Scott Street, especially during the winter, it is very difficult to get out of garages. Donna Henry says she doesn't have a problem with the duplex. There are three places on Janesville Street that have two units. So that is more cars. The City has to do something about the parking. Bob's idea about combining the parking for many of these properties with the traffic going out to S. Franklin Street is a good idea. The parking should be expedited sooner than later if at all possible.

Matt Kuehl stated that they already have plans drawn up for a future parking area. They plan to build more in this area and want to solve the parking problem as well. He didn't feel the parking area should be tied to one particular project. He would like to keep the parking as a stand alone project. A long term parking plan takes a lot of thought, particularly when it involves many properties. They would need to sit down with the City Planner and City Engineer.

Jerry Walloch, owner of 343 S. Janesville St., stated that he likes the work that the applicant is doing. It is very difficult to back out of the driveways onto Scott Street. He asked that the applicant and the Plan Commission do things right. Be careful where you put the parking.

Plan Commission Chairperson Meyer closed the public comment.

Plan Commission members voiced: concern of when the parking project would get done; the developer has done fantastic projects; traffic and drainage should be looked at before permits are issued; will go along with the project as long as do parking; Scott Street is a traffic problem, should there be no parking or make the street one way?; develop a parking plan with the traffic funneling off of Scott Street onto S. Franklin St.; what is the process to create a one way street?;

Matt Kuehl stated that they will submit a parking plan if the Plan Commission wants to make it a condition. They are going to do it anyway, so they might as well do it now.

City Attorney McDonell stated that making a street one way is a City Council decision. Anyone could ask a Council member to put the item on their agenda. It could be a Plan Commission request.

City Planner Chris Munz-Pritchard stated that we should ask for a traffic study to be done. The traffic study could provide different options to resolve the issue. The Plan Commission would talk about that toward the end of the meeting.

Moved by Binnie and Zaballos to conditionally approve the conditional use permit for the conversion of a single family home into a duplex at 329 S. Scott Street subject to the City Planner recommendations with changes to #1 minimum parking stall requirement would be 7 (with nine tenants); #4a. Because this project is in an area of the City known to have drainage concerns (Basin 15), the storm water management must be reviewed and approved by the City Engineer before a permit is issued.; #5. Add “after due process is afforded”; Add #12 A joint parking lot is to be constructed for ingress and egress out to S. Franklin Street. The plans are to be approved within 18 months and the construction be completed within 18 months after the plans are approved. The plan for the joint parking lot is to be approved by the City Planner. (See attached conditional use permit.) Ayes: Binnie, Zaballos, Parker, Hinspater, Stanek, Miller, Meyer. No: None. Absent: None. Motion approved.

**Public hearing for a conditional use permit per Section 19.27.030(N) to allow more than one principal structure on a lot for a proposed development to be located at 1260 W. Main Street, Tax Parcel /WM 00001 and /WM 00002 for WWHP LLC. (Troy Hoekstra, Managing Partner).** Kristine Zaballos recused herself from this item as she works for the University. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that at this meeting the Plan Commission was to determine if more than one principal structure should be allowed on the lot at 1260 W. Main Street for a proposed hotel development. If granted the conditional use permit, they would be back at the October Plan Commission meeting for review of the actual plans. Munz-Pritchard gave some history of the parcel. She explained that the property is located in a B-1 (Community Business) Zoning District. The proposal is to add a second building on a lot. They plan to remodel the existing building and add a 70 unit hotel. Munz-Pritchard noted that flag lots are not to be developed. The maximum height for the building in the B-1 Zoning District is three stories (45 feet). 245 – 279 parking stalls would be required depending on the plans. The 12 inch water main running through the center of the property would need to be relocated. A traffic analysis should be done. Chris Munz-Pritchard went through her remaining recommended conditions for approval.

Plan Commission Member Hinspater asked if the hotel will have a conference room.

Troy Hoekstra, the managing partner for WWHP (Whitewater Hotel Partners) and owner of United Development, explained that this hotel is Fairfield by Marriott. Their plans are to renovate the existing building owned by the UW Foundation. There will be meeting or banquet rooms with the capacity of up to 150 persons that can be divided up for a capacity as small as 30 persons. One half of the existing building will be office space for the University.



Scott England, DJR Architecture, made some corrections to the Planner Report. The three story building will have a height of 45 feet. (They start their 1<sup>st</sup> floor elevation at 100 feet, which is actually 0.) The typical daytime staffing crew is 8 people, so 74 parking stalls will be needed for the hotel & staff (70 + ½ staff). Most of the staff will be gone by 9:00 p.m. and the housekeeping staff will be done by approximately 2:30 p.m. The plans will be back for your review in about a month. They would like to have considered that the parking on the north side of the existing building be counted as potential parking spaces, not to put in now, but to install when needed.

Troy Hoekstra stated that they are aware of the water main and that it would have to be moved and at their expense. They have a wetland mitigation report, which they will share with the City, that they believe confirms they can have the parking as shown. They have checked the traffic in the area, which has 11,000 cars per day going past the property. Their project would increase that number by ½ car per minute.

Scott England stated that they are working with Walmart in regard to access to their property.

Troy Hoekstra explained that they will purchase the property over the next 7 years. The hotel will be totally funded by WWHP. They are rapidly working on this as they will lose their financial credits if they don't close on the property and break ground this year. They are putting in a "full bore effort" to accomplish this. The economic impact of this proposal is: 9 million for the hotel, 8.5 to 8.75 million for renovation to the existing building for a total of 17 million dollars. That will allow for \$500,000 in annual wages. They will be working with local contractors as much as possible. Keller Inc. – design build has been on board for months to get started.

When asked if the UW Foundation was good with this proposal, Jonathan Enslin (the President of the UW Foundation) stated that he was perfectly comfortable moving forward. The UW Foundation has 95% ownership of the existing building and Premier Bank has 5%.

Plan Commission Member Binnie stated that he was grateful for their effort in putting this proposal together. He noted that there is funding from Walmart for a traffic light in this area. He thought it should be utilized with this new proposal.

Chairperson Meyer opened the public comment.

Chris Grady, 318 W. North Street, stated that he was glad to see this project. It will solve a lot of problems. For example, in the summer there are a lot of tournaments and Whitewater has no place for people to stay. They have to find a place outside the community. Also the taxation would be a huge windfall for the City.

There was no further public comment. Chairperson Meyer closed the public comment.

Plan Commission Members voiced concerns of: didn't get an answer to the dining questions; if going to serve alcohol, a conditional use permit to serve alcohol would be required; water main

is to be relocated at the applicant's expense; driveway throat to be looked at for safety; the lot is not flat, how will the building sit on the lot.

Troy Hoekstra and Scott England explained that there would be only a guest breakfast room in the hotel. There would not be a restaurant. The first floor of the hotel will be at ground level.

City Planner Chris Munz-Pritchard explained that at this meeting the Plan Commission is only concerned with the conditional use permit for a second building on the lot. In October, the Plan Commission will review the plans.

Moved by Binnie and seconded by Stanek to approve the conditional use permit to allow for a second building on a lot at 1260 W. Main Street with the conditions of the City Planner with the revision of the first condition to be "relocation of the water main will be required". (See attached conditional use permit.) Aye: Binnie, Stanek, Zaballos, Parker, Hinspater, Miller, Meyer. No: None. Abstain: Zaballos. Motion approved.

**Information Items:**

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated that the Common Council meeting on September 19, 2017 will be held at the University at 6:30 p.m. on the second floor of the UC. She also stated that she will be budgeting for a housing study to start in 2018. This would not be a fast study and would probably carry into 2019.
- b. Next regular Plan Commission Meeting – October 9, 2017.

Moved by Stanek and seconded by Miller to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 9:25 p.m.

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Chairperson Greg Meyer

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
October 9, 2017

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Greg Meyer, Kristine Zaballos, Lynn Binnie, Sherry Stanek, Tom Miller, Bruce Parker, Andrew Crone (Alternate). Absent: Tom Hinspater. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

Chairperson Greg Meyer introduced the new Plan and Architectural Review Commission Alternate Member Andrew Crone.

**Hearing of Citizen Comments.** No Comments.

**Approval of the Plan Commission Minutes.** Moved by Zaballos and seconded by Stanek to approve the minutes of the August 14, 2017 Plan Commission meeting. Motion approved by unanimous voice vote. The minutes of September 11, 2017 were not available for review.

**Review proposed 70 unit hotel & conversion of the existing vacant grocery store building into a multi-office facility at 1260 W. Main Street, Tax Parcel /WM 00001 and /WM 00002 for WWHP LLC. (Troy Hoekstra, Managing Partner).** Kristine Zaballos recused herself from this item as she works at the University.

City Planner Chris Munz-Pritchard stated that the applicant had come to the last Plan Commission meeting and was approved for a conditional use permit to have more than one principal structure on a lot.

Plan Commission Member Binnie invited the applicants to go through the recommendations and explain their proposal.

Scott England, Architect from DJR Architects, and Eric Drazkowski, from Excel Engineering, explained their proposal. Scott England explained that they were working with UW-Whitewater on the exterior of the existing building. They will be taking down the canopy and will bring a lot more windows to the building. There will be a transparency to the front of the building. They are working on the interior of the building, specific to UW-Whitewater. There will be meeting space for the general population. There are two entrances off Main Street; the hotel will be surrounded by parking. The existing building will use the north 1/3 of the parking between the hotel and the existing building. If necessary, they will have parking on the north side of the existing building. The loading dock is on the northwest side of the back of the building with the doors facing east.

Consequently there was some concern that the entrance on the northwest side will be largely hidden by the loading dock. The Fire Department would like the extension of Yoder Lane extended to have a better access to the north side of the site. The developer would like to use a gate or bollard for the Fire Department to have access, but not provide for a cut through for other vehicles. They have been attempting to work with Walmart to have a connection from the west side to the back of the building.

Eric Drazkowski, Engineer, explained that in their discussions with the Fire Department and connecting roads to the east, they would like to create a grass area to drive over at Salisbury Lane and not have the circulation of the general public from the east. There are 253 stalls, but can fit more if there is a traffic problem. They are planning for 123 stalls for future use at the north end of the building. The Engineering Report #8 requests that 3 to 4 stalls are to be removed on the east side of the east entrance off Main Street. Mr. Drazkowski thought that it would be unnecessary, as at this point, there is 50 feet which would cue two vehicles in the drive lane if someone is backing out.

Scott England explained that the delivery area at the NE corner of the property would be coordinated with the tenants. There will be minimal deliveries and no maneuvering problems as deliveries will be made in van or box truck size. A full size semi is not going to be needed by the UW. When asked about the back of the building becoming the front entrance and hoping they could do something with the building to make it look less like a loading dock, Eric England stated that they will be working on the landscaping.

City Planner Chris Munz-Pritchard was concerned about the circulation plan, walking the 22 feet from the back of the building to the front of the building, particularly at night.

Scott England stated that it was not their intent to cut off pedestrians but they were looking to limit vehicular traffic, which is why they only want Fire Department access off of Yoder Lane. Florence Street dead ends to wetland. The north parking lot will be mainly for the people working the building.

Chairperson Meyer opened for public comment. There were no public comments.

Chairperson Meyer closed public comment.

Plan Commission Member Parker explained that there are parking issues. Sentry was designed to meet the ordinances that we have now. At the time Yoder Lane and Salisbury Lane were constructed, there were single family homes and the residents did not want the vehicle traffic, but they wanted pedestrian access points. The area has changed since then. Yoder Lane is to have a connection point, not Salisbury Lane.

Plan Commission Member Binnie went through the Planner recommendations to make sure everything was addressed.

City Attorney McDonell stated that it is in the ordinance that Plan Commission can allow a lesser amount of parking stalls but to do so, the site must have sufficient land and the developer must install the parking if it becomes necessary.

When asked if they had considered a traffic signal in the area and if they would potentially contribute to it, Scott England stated that they had not considered it, but they would participate in the discussion and the planning of it. He also noted that they are alright with the conditions of approval and have a level of understanding. They are on a tight time schedule. They do not have a problem with the items set forth in the motion and having further conversations about the traffic light. But they do need to move forward.

City Attorney McDonell stated that having an acknowledgement of the possibility of a traffic light was all that could be done at this time. The developer could request a special assessment specification for a traffic light.

Moved by Binnie and seconded by Stanek conditional approval based on the recommendations of the City Planner, City Engineer and Fire Department of the proposed hotel and conversion of the existing vacant grocery store building into a multi-office building at 1260 W. Main Street with the additions of: understanding regarding parking, that the requirement could be met with a shared agreement with Walmart, and consideration of a lesser amount of parking by ordinance but required to have a plan to add stalls if proved to be necessary; an agreement be reached for a fire access to be provided on the west side of the office building or an emergency access from Yoder Lane. They need to have plans submitted prior to building permit being issued. An acknowledgement by the developer that they agree to participate in the discussion in regard to traffic signals and that there might be special assessments involved. Ayes: Binnie, Stanek, Crone, Parker, Miller, Meyer. No: None. Recused: Zaballos. Motion approved.

**Discussion of possible improvements to Scott Street.** Chairperson Meyer opened the discussion.

City Planner Chris Munz-Pritchard explained the increase in density to the area and that Scott Street was essentially designed as an alley way. The increase in density over the years is requiring the City to look at improvements to upgrade the infrastructure in the area. Chris Munz-Pritchard spoke with Chuck Nass, the Streets Superintendent, and came up with a viable option of removing the north end of S. Scott Street where it exits onto Whitewater Street and turn Scott Street into a one way street. No utilities would be affected by this change.

Streets Superintendent Chuck Nass stated that this would be the simplest solution. The intersection at Whitewater Street is very narrow. The City would curb this South Street section on both ends and make the north end part of the driveway for the duplex on the corner of Janesville and Whitewater Streets. Nass stated that the parking on the street is causing the problem. The best solution for that would be to remove the parking on Scott Street. He said part of Scott Street is curbed, but some is not.

Plan Commission Members voiced that: making Scott Street one way is a good first step and if that doesn't work, can look at the parking; everyone has garages off the alley (Scott Street) and a parking pad, so there is no shortage of parking for the residents.

Chairperson Meyer opened for public comment.

Donna Henry, 347 S. Janesville Street, stated that no physical change to the street is going to fix the problem. She didn't feel it would help to make the street one way. The kids are not the problem. It is the vehicles that are the problem. She feels the solution would be to have a parking lot where they can park.

Dennis Knopp, 323 S. Janesville Street, recommended that parking be eliminated on Scott Street completely. Landlords should take care of their parking. He did not like the idea of removing the part of Scott Street that goes to Whitewater Street because that would put a cul-de-sac at his driveway.

Thomas Hoffman, 363 S. Janesville Street, stated that the street is getting more congested due to new residents. They park all along the street. It is basically a one way street. Can't plow to the curb in winter time so the street gets even narrower. The street is narrow on both ends. He doesn't know what the solution would be. One way street seems to be the better of the solutions.

Chairperson Meyer closed the public comment.

Plan Commission Member Stanek would like to see the part of S. Scott Street that empties out to Whitewater Street vacated, eliminate parking and make it a one way street.

City Attorney McDonell stated that these decisions would be City Council decisions. He recommended that the Plan Commission recommend to the City Council for a conceptual review by Council. City Council may decide that Plan Commission should hold the public hearing with notices to all affected property owners.

Plan Commission members voiced concerns of: suggested a roundabout at Walworth Ave. and Janesville Street; suggestion of parking on Scott Street by permit only; if allow parking for 2 hours – do heavy enforcement for a time; speed bumps would slow vehicles down; simple resolution would be to have no parking on the street – leave the street the way it is; if cars are not on the street there is not a problem; still like to see the elimination of the short section of Scott Street out to Whitewater Street.

Moved by Binnie and Crone to request the City Council have a concept review of the issues related to traffic and parking on Scott Street. In particular, banning parking except by special arrangement on Scott Street and also consider a discontinuation of the section of S. Scott Street entering onto Whitewater Street. The sidewalk is to be maintained on the portion of Scott Street to be eliminated. Ayes: Binnie, Crone, Zaballo, Parker, Stanek, Miller, Meyer. No: None. Motion approved.

**UW-Whitewater Representatives to speak about the University Housing – per request of Plan Commission.** Joel Nilsestuen, Coordinator of governmental relations and outreach for the University, and Frank Bartlett, Director of U.W. Housing, were present to talk about the University Housing plans. UW-Whitewater enrollment is down 206 this fall. Seven out of the past eight years, they have had record enrollments. This year colleges across the area are down. The University is working to address and reverse this situation. The new residence hall (410 beds) is scheduled to open in the fall of 2019. Eight other residence halls are in need of renovation. They will start with the west side of campus, following the utilities and then to the east side with Knilans and Wells halls. At this time they are leasing 2 properties off campus. Next year they will only be leasing one. The scope of renovation for Wells Hall, 600 to 1200 beds for 1 to 2 years renovation in order to bring the building up to code. For freshmen and sophomores, UW housing is required. About 93% of freshmen live in residence halls. They are bending the rule for sophomores at 60% who live in the residence halls. They want to create a balance between UW residence halls and Community Rentals. They want to make everyone happy, have a partnership with the community.

Plan Commission Members voiced concerns: asked if they were aware of the City of Whitewater looking to stabilize residential neighborhoods and preserve family neighborhoods; balance, when there is new development to take the pressure off of residential areas; asked landlords to be a part of the discussion; communication needs to be an ongoing process; Don't want to make a decision on the basis of lack of information.

Joel Nilsestuen stated that the University will keep an open dialog.

Frank Bartlett, when asked about the rumor of the destruction of Wells, explained that the possibility of getting new residence halls is not good. So they are renovating existing residence halls. When Bartlett came to Whitewater in 2000 the on campus population was 3800, and then it was declining. In more recent years the population has been booming. This year was a "what happened", but the hope is to continue growing. The community needs vital on campus and off campus housing to make a good University. They added Starin Hall which added 456 but they also eliminated 410 beds. They plan to keep one remaining off campus facility that has individual kitchens. When they take buildings off line, they need places to put students. Swing space is key.

Plan Commission Member Binnie stated that one of the main concerns about housing in the community is that the rental ratio is very high. We are at about 2/3 of the properties being rental properties. The average is far lower than that, even for other comparable university towns. This makes the average property value for the City of Whitewater higher. People will go to Fort Atkinson because they can live there for a lesser amount.

Plan Commission Members voiced concerns of: lost single family homes between downtown and campus, lack of affordable quality housing, lack of a grocery store, maintaining enrollment in school district; do a study between UW and City, an increase or decrease of off campus housing and what the need is?; suggested the University provide, to the City, preliminary numbers – enrollment and the number of open beds- once a year. The next time to send the City data would be September 2018. Right now we are making decisions without a lot of data. Residential

homes are being turned into student rentals. We would like to have an idea of when we can start to say no.

Chairperson Meyer opened for public comment. There were no comments.  
Chairperson Meyer closed public comment.

Plan Commission Members thanked Joel Nilsestuen and Frank Bartlett for coming to the Plan Commission and sharing their information in regard to housing.

### **Discussion of potential future housing study.**

City Planner Chris Munz-Pritchard explained that we are looking at doing a future housing study – needs assessment for the City of Whitewater. She received a quote from Vandewalle Associates, the City Planning Consultants, for \$15,000 to \$20,000 for a housing study.

Jeff Knight stated that the Greater Whitewater Committee was doing a study for single family housing. They will be hosting a series of forums to try to get the impetus to get more single family housing. The meetings will be held during the day. They are not looking at student housing. They are looking at single family and how to get it in the community.

Plan Commission Members voiced concerns of: keeping in mind the existing neighborhoods; incentives for flipping rental to single family.

Jeff Knight suggested Community Development Block Grant money for repairing neighborhoods.

City Planner Chris Munz-Pritchard suggested a possible plan to look into the “LaCross Promise Program” which is a grant incentive program.

Chairperson Meyer closed the public comment.

City Planner Chris Munz-Pritchard is putting funds in the budget for 2018 and 2019 for a housing study – needs assessment. She was looking for guidance from the Plan Commission. The needs assessment shows what the City has and where it is going. Munz-Pritchard suggested setting up a sub-committee to figure out what we want to explore and how to convert it, sitting down and setting goals. It was decided the Housing Sub-Committee would consist of City Planner Chris Munz-Pritchard, Kristine Zaballos, Sherry Stanek and Andrew Crone.

### **Public hearing for Formal Action for future land use designation for Parcel # /WUP 00325 (Walworth Ave. Parcel). (This parcel is located west of the “bridge to nowhere”).**

Chairperson Meyer opened the public hearing. It was noted that property owners within 800 feet along Walworth Ave. were notified. Any formal action would be a recommendation to the City Council.

City Planner Chris Munz-Pritchard explained that there are no proposals in process for this area. Mixed use is a good fit for this area. The property is zoned Agricultural Transition. This is a request for the future land use map.



Jeff Knight, 405 S. Panther Court, stated that he is against the change in the document. He wants the land to remain single family. At one point there was to be residential up to the bridge. There is restricted street parking, truck traffic on Walworth Ave. Students, heavy truck traffic at night. Whitewater has a shrinking population. The parcel is in the TIF District. It should be townhomes and condos. Noise and traffic should be considered for a residential area. The parcel would be better as residential than heading toward commercial.

Plan Commission Member Binnie stated that any description given to an area gives difficulty. Future neighborhood is primarily a single family development. It is natural to go to the commercial side of it. Regarding the promises that were allegedly made that the property will always be residential, in reality the only way to permanently designate a property is by deed restriction.

City Attorney McDonell stated that some deed restrictions can be changed. Promises are not enforceable.

Plan Commission Member Binnie stated that there are four intersections with the bypass; three of them are Highway Commercial and Community Business. This intersection, Walworth Ave. and Highway 12, was Community Business. In reality, (an example would be the grocery discussion), what people think is not necessarily what works. The section close to the bypass is a high noise impact zone which is not appropriate for single family. The larger area immediately adjacent to the High School would be an ideal location for single family. A designation of mixed use, as in the mixed use description, careful planning must be done. Approval granted only after submittal, public review and City approval of detailed site plan, landscaping, signage, lighting, erosion control, and utility plans often as part of a Planned Development. The Plan Commission is aware of the concerns of the neighborhood and would take it all into consideration if a proposal is brought to this body. As designated, it is not very likely that even a project welcomed by the neighbors would be seen by the developer as being potentially acceptable.

Terrie Parenteau, 518 S. Ventura Lane, stated that if there is commercial in the area, there is traffic. An increased number of lives are affected. Making decisions is a big responsibility. Whatever is decided, accept the consequences.

City Planner Munz-Pritchard stated that whatever would be developed in the area, there would be a traffic study done.

Mark Parenteau, 518 S. Ventura Lane, on the east side of Indian Mound Parkway, stated that when looking to relocate in the City of Whitewater, he was made aware of the lots on the west side of Indian Mound Parkway. There was no question in his mind that this was the most beautiful neighborhood. He would like to see this neighborhood maintained. Don't detract from this neighborhood.

John Hoffmann, part owner of the parcel south of Walworth Ave., stated that we are a society of rules, laws and ordinances. He commended the City for taking the time to review. There were 161 notices sent out, only three comments. John Hoffmann stated "Don't do what is right for the few or what is right for me, do what is right for the City".

City Planner Chris Munz-Pritchard explained that this is the future land use that the Plan Commission is trying to decide upon to reflect mixed use versus future neighborhood designation. It is not the zoning map or the current land use map.

Plan Commission voiced concerns of: the long term plan for Highway 12 is to be 4 lanes; it was noted that when the comprehensive plan went to the City Council and it was determined to be “future neighborhood” rather than “single family”, the Plan Commission had been bypassed. There was no public hearing and never on the Plan Commission. Maybe with changing the map and designation, we should change the definition. Need to look at water, noise, traffic and use when considering a development. Turtle Mound Lane was not supposed to be a dead end. It just was never developed. A compatible neighborhood business is not a truck stop.

Plan Commission Member Binnie stated that they were looking at higher end housing; there would be more moderate pricing of single family parcels up against the bypass. The definition of mixed use includes higher density residential. Maybe include in the motion further specification such as: Plan Commission preference is that there be single family included in this parcel in addition to other potential uses.

City Attorney McDonell explained that a change to the Comprehensive Plan would have to be noticed at a different meeting. The process to change the Plan would start with the City Council, go to the Plan Commission and then back to the City Council. A mini plan designation could be made for this property. They are hard to develop. Changing the future land use is not the owner’s call, it is the City call as to what is best for the City (as John Hoffmann had stated).

The Plan Commission asked what they need to do today. City Attorney McDonell stated that the Plan Commission is to recommend to the City Council. If nothing is done, it will still go back to the City Council. He stated that the Plan Commission could come up with language for a particular area, a small designation. Plan Commission Members suggested: that they hold open the public hearing and work toward a recommendation to the City Council; mixed use, carefully planned with some allowance for regular residential.

City Attorney McDonell noted that zoning and comp plans are difficult. This property may need to be considered for a hybrid approach (Planned Development). The area doesn’t fit and needs a special set of rules for a specific area. You need to beware so that you don’t micro-manage a piece of property.

City Planner Chris Munz-Pritchard stated that the definition can be revised for mixed use. It doesn’t have to be high density. Ultimately it would be a Planned Development.

John Hoffmann stated that when the comp plan was adopted, it was adopted as a reviewable guideline. It was made to be flexible. He asked that it be kept flexible.

Chairperson Meyer closed the public comment.

City Planner Chris Munz-Pritchard suggested that she draft a proposed revision for the definition of “mixed use”.

Moved by Binnie and seconded by Stanek to request that the City Planner do some research and bring possible options for the Plan Commission to consider and that we would not close the public hearing so to not have to notice this item again. Aye: Binnie, Stanek, Zaballos, Parker, Miller, Meyer, Crone. No: None. Motion approved. This item will be on the next Plan Commission meeting.

City Attorney McDonell stated that in case there ends up being different Plan Commission members at the next meeting, suggested that anyone who was not at this meeting review the meeting in order to have this information as part of their information base.

**Information Items:**

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated that we did not have anything at this time for the next Plan Commission meeting.
- b. Next regular Plan Commission Meeting – November 13, 2017.

Moved by Parker and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 10:10 p.m.

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Chairperson Greg Meyer



To: City of Whitewater Plan and Architectural Review Commission  
From: Mark Roffers and Megan MacGlashan, AICP, City Planning Consultants  
Date: July 2, 2010  
Re: Request for approval of a conditional use permit to operate a home occupation out of the single-family home at 409 E. Cravath Street for James McKenzie

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#### Summary of Request and Analysis

The applicant, James McKenzie, is seeking approval for a conditional use permit to operate a home occupation, a bakery, out of the single-family home located at 409 E. Cravath Street. The home bakery would primarily be operated out of the home's garage, which would be expanded by 420 square feet. The property is zoned R-2 One and Two Family Residential. Within this district, home occupations require a conditional use permit.

#### Analysis

1. The City's zoning ordinance includes 5 standards that must be met prior to the granting of any conditional use permit. It is our opinion that the requested conditional use will meet these standards.
  - A. *That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.*

Based on the applicant's proposal, we do not have reason to believe this business operation would produce any nuisance to or reduce values of surrounding properties (unless regularly smelling cookies is viewed as a negative). All operations would occur within the residential garage. Delivery of supplies would be infrequent, and no products would be sold on site.
  - B. *That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.*

The applicant is proposing upgrades to his electrical service. All other utilities are already extended to the property. The primary use of the property will remain a single-family home, so no new access roads, parking, landscaping, drainage, or site improvements are necessary.
  - C. *That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance.*

The use is considered a conditional use in the R-2 zoning district and meets all criteria for a "home occupation" (see below). The proposed garage expansion meets all R-2 district standards, and we understand is being proposed whether or not this home occupation is approved.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax  
611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •  
414.732.2035 Fax  
[www.vandewalle.com](http://www.vandewalle.com)

Shaping places, shaping change

- D. *That the conditional use conforms to the purpose and intent of the city master plan.*  
In the City's Comprehensive Plan, this area of the City is identified for long-term preservation as a single-family residential neighborhood. The use of this property for a home occupation as proposed, in our opinion, does not change the residential character of this lot and allows the property to continue being used for residential uses, while still promoting local business and entrepreneurialism.
- E. *The conditional use and structures are consistent with sound planning and zoning principles.*  
As described above, we believe the home occupation is appropriate for and compatible with a residential area and is consistent with the purpose and intent of the City's R-2 zoning district.
2. The City of Whitewater Zoning Ordinance defines a home occupation as "...an occupation for gain or support that is traditionally or customarily conducted within a residential building by resident occupants." Further, all home occupations must meet the seven criteria listed below. We believe that the proposal meets all criteria.
- A. *Home occupation is incidental to the principal residential use of the premises.*  
The proposed bakery would be operated within a portion of the family's garage. The principal use of the property would still be single-family residential.
- B. *Space used for the home occupation does not exceed either twenty-five percent of the usable floor area of the principal building or fifty percent of an accessory building.*  
The home occupation would occupy roughly 35% of the garage (accessory building).
- C. *No article or service shall be sold or offered for sale on the premises except articles or services that are produced by such occupation.*  
The applicant would bring baked to goods to farmers markets, local businesses, and non-profit organizations for sale off site. No goods would be directly sold on the property.
- D. *There shall be no exterior alterations that change the character of the dwelling or accessory building, or exterior evidence of the home occupation, other than permitted signage under Chapter 19.54.*  
All operations would occur within the residential garage. No exterior modifications are being proposed that would indicate a business is being operated on the premises. The applicant is not proposing any signage, or any additional parking. Delivery of supplies would be infrequent.
- E. *There shall not be more than one employee other than members of the resident family.*  
~~The applicant is proposing to have no more than one employee other than members of the resident family. The applicant is proposing to have no more than one employee on premises at a time other than members of the resident family.~~ Proposed Change by Chris Munz-Pritchard December 11<sup>th</sup> 2017.
- F. *No home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average residential use in the district.*  
Based on the applicant's proposal, we do not have reason to believe this business operation would produce any nuisance to surrounding properties. All equipment proposed for within the garage is consistent with a residential use (e.g., ovens, sinks, refrigerator, other kitchen equipment and appliances).
- G. *There shall be no exterior display or storage of any materials, supplies, equipment, or product produced or used by such occupation.*  
The applicant is proposing to store all equipment and supplies within the garage.

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3. The proposed garage expansion meets all dimensional requirements (e.g., setbacks, lot coverage). The proposed building materials appear to be compatible with the existing exterior of the house. However, we suggest the applicant be prepared to confirm at the Plan Commission meeting that the proposed vinyl siding matches the siding on the existing portion of the garage (in color, size, and material) and that the siding on the addition will be installed so that it lines up with the siding on the existing portion of the garage.

**Recommendation**

Pending comments at the public hearing, we recommend approval of the conditional use permit to operate a home occupation out of the property at 409 E. Cravath Street for James McKenzie, subject to the following conditions:

1. The applicant shall make all improvements to the existing garage and operate the home occupation in accordance with the conditional use permit application submitted 5/17/10, including the Site Plan Elevation Drawing (south side), Elevation Drawing (east side), Elevation Drawing (north side), Floor Plan, and Utilities Plan.
2. The home occupation shall be operated at all times in full accordance with home occupation standards in the City's zoning ordinance.
3. The new siding on the garage shall be similar in color, materials, and lap width to the existing siding on the garage.
4. The conditional use permit for the home occupation shall run with the property owner and not the land.

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## M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Chris Munz-Pritchard City Planner

Date: December 11<sup>th</sup>, 2017

Re: **Item # 5** Proposed removal of a single family home to build a duplex per Section 19.18.030 at 412 S. Summit Street (/BIR 00034) for J&S Summit LLC (James & Stevie Taylor).

Summary of Request		
Requested Approvals:	Proposed removal of a single family home to build a duplex (two-family attached dwelling)	
Location:	412 S. Summit Street	
Current Land Use:	Single Family Home	
Proposed Land Use:	Duplex (two-family attached dwelling)	
Current Zoning:	R-2 One and Two Family Residence District	
Proposed Zoning:	No change	
Comprehensive Plan's Future Land Use:	Central Area Neighborhood	
Surrounding <i>Zoning</i> and Current Land Uses:		
	North:	
	R-2 One and Two Family Residence	
West:	Subject Property	East:
R-2 One and Two Family Residence		R-2 and R-2A overlay One and Two Family Residence
	South:	
	R-2 One and Two Family Residence	

### **Description of the Proposal:**

The proposed project requires a Conditional Use in Section 19.18.030 of the R-2 One and Two Family Residence zoning district which reads: conversions of existing single-family dwelling to two-family attached dwelling.

This proposal is the conversion of the use of a single family home to a duplex (two-family attached dwelling). The existing home is to be removed and a duplex built in its place. Each dwelling unit will have 3 bedrooms and 3.5 bathrooms. Minimum lot size for a two-family attached dwelling is 12,000 square feet. The lot sits on approximately 12,066 square feet.

The minimum lot width in the R-2 district is 100 feet for all duplex developments (19.18.050), this lot sits on 66 feet, however a nonconforming lot that does not meet the minimum lot width above may be considered a buildable lot if it: a. Meets all other standards including Section 19.60.050 and b. Is reviewed and approved by the City Plan and Architectural Review Commission.

19.60.050 - Nonconforming lots. A lot which does not contain sufficient area to conform to the dimensional requirements of this title but which is at least thirty (30) feet wide and four thousand (4,000) square feet in area may be used as a building site provided that the use is permitted in the zoning district, providing the lot is of record in the county register of deeds' office prior to the effective date or amendment of the ordinance codified in this title, and providing that all other requirements for the district in which it is located can be met. Establishment of a use or structure on a nonconforming lot shall be reviewed and approved by the city plan and architectural review commission in accordance with Plan Review Chapter 19.63.

Yard requirements:

- The front yard is a minimum twenty-five (25) feet; (not more than forty percent of the front yard may be an impervious surface except by conditional use permit). The proposed is a twenty-five (25) foot front yard setback.
- Side yard is a minimum of fifteen (15) feet for two-family and multifamily. The proposed side yard is fifteen (15) feet on both the north and south side of the proposed duplex.
- The rear yard is a minimum of thirty feet (not more than forty percent of the yard may be an impervious surface except as a conditional use). The proposed duplex has approximately one hundred and thirteen (113) feet for the rear yard setback.

There is a nineteen (19) foot wide alley way that runs behind the property. It appears that the alley way is only graveled to 420 Summit St. and a dumpster has been placed in the alley way. The Neighborhood Service Officers (NSO) are working to have the dumpster removed from the City owned right-of-way.





The Maximum lot coverage by the principal and accessory structures in the R-2 district is 30%. The lot coverage for the structure is roughly 1,584 sq ft with the lot roughly 12,066 sq. ft., this places the lot coverage by the principal structure at approximately 13%.

Parking and Maximum Impervious Surface requirements:

The maximum impervious surface for a lot over 10,000 sq ft is 50%. Currently no information has been provided regarding driveways, accessory structures or parking to determine if the maximum impervious surface can be met (19.18.070 B).

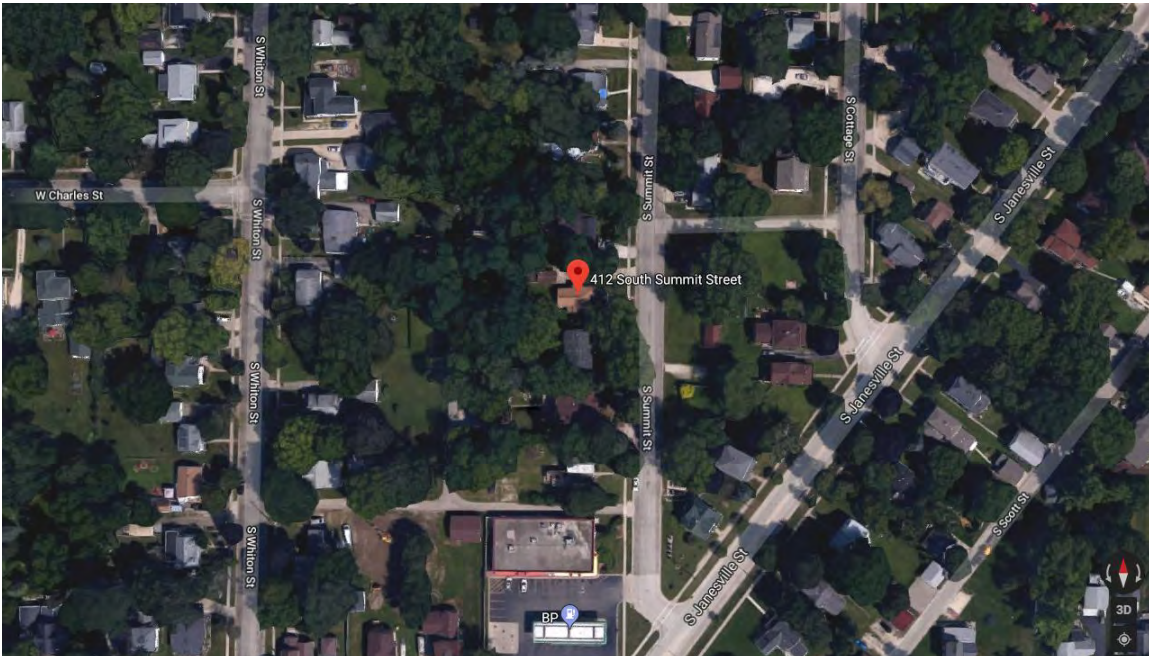
The minimum requirement for number of parking stalls in the R-2 is 2 stalls for each dwelling unit not to exceed the impervious surface regulations. Per 19.51.080, a legally established two-family dwelling may have up to six vehicles parked (outside) on a lot, with no more than four outside located in the rear yard. Up to eight vehicles parked in any combination may be permitted through a conditional use permit (CUP) if the property can meet the conditional use standards and stormwater requirements, buffer screening and any other requirements deemed necessary by the plan and architectural review commission.

#### **PLANNER'S RECOMMENDATIONS:**

I recommend the Plan and Architectural Review Commission grant *conditional approval* for the requested modification to the building exterior at 412 S. Summit Street, subject to the following conditions of approval:

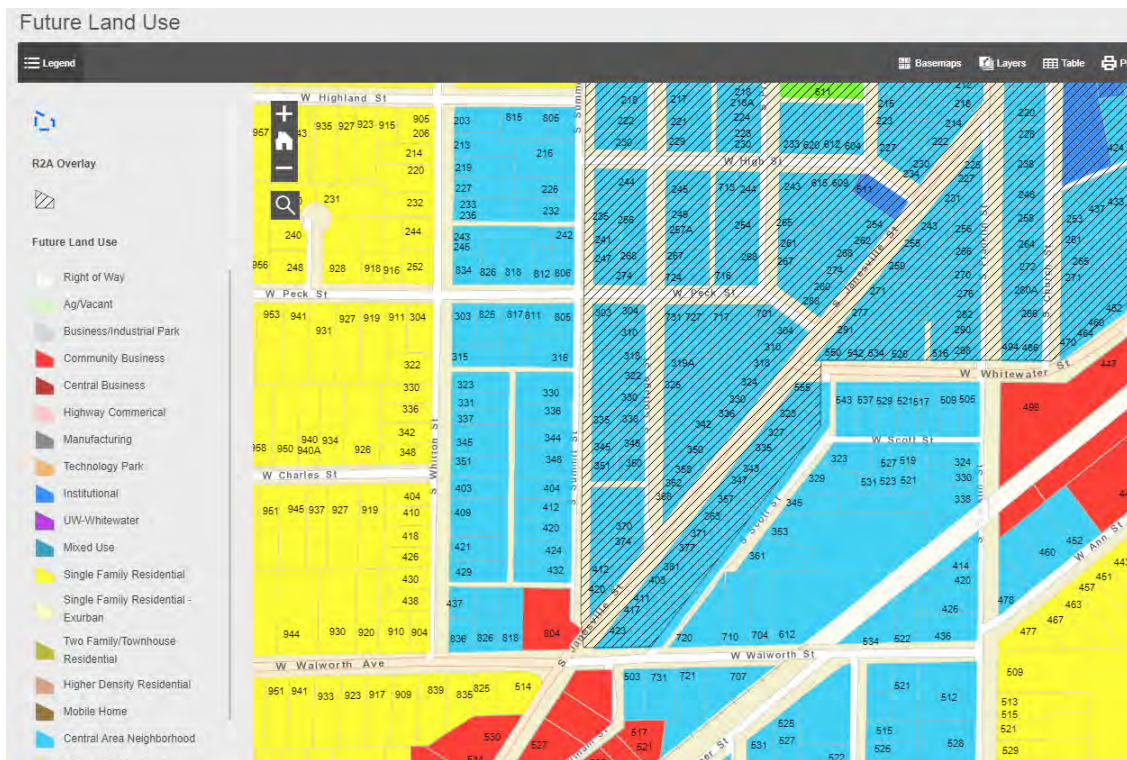
1. The minimum parking stall requirement is 4 stalls which is shown as garage space. The site plan does not show outside parking or driveway space. Outside parking and driveway needs to be shown. Permitted cars will have either numbered parking stalls, hanging tags or parking stickers to identify permitted vehicles. Parking is to be concrete or asphalt.
2. The minimum lot width in the R-2 district is 100 feet for all duplexes developments (19.18.050), this lot sits on 66 feet, however a nonconforming lot that does not meet the minimum lot width above may be considered a buildable lot if it: a. Meets all other standards including Section 19.60.050 and b. Is reviewed and approved by the City plan and architectural review commission. This needs to be approved by the Commission.
3. The maximum impervious surface for a lot over 10,000 sq ft is 50%. Currently no information has been provided regarding driveways, accessory structures or parking to determine if the maximum impervious surface can be met. Anything over 50% needs to be added to this CUP and may require additional stormwater mitigation.
4. Adequacy of the utility services for the building will need to be determined by the architect. This building may need a larger water or sewer service to accommodate the increased density.

5. Currently the alley way stops at 420 Summit St. If the development utilizes the alleyway it will need to be extended to 412 S. Summit Street.
6. The exterior of the building needs to be consistent when finished. The finished building is to have the same color and material.
7. A buffer screening is to be placed around the proposed parking area (19.51.070). This will require the approval of landscaping plans.
8. Approval by Engineering, Building Inspector, Fire Inspector and other City departments.
9. Any other conditions identified by City Staff or the Plan Commission.









Central Area Neighborhood (on Future Land Use map only): Mostly single-family and two-family housing, with a definite mixture of owner- and renter-occupancy. Some limited smaller-scale multi-family development may be allowed in certain areas, particularly where these types of land uses existed at the time this Plan was written or where current zoning supports such uses. See more detailed description and policies later in this chapter (page 63 of the City of Whitewater Comprehensive Plan).



NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 11th day of December 2017 at 6:30 p.m. to hold a public hearing for a Conditional Use Permit to allow for the construction of a duplex at 412 S. Summit Street for J & S Summit, LLC. (James & Stevie Taylor).

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540



Chris Munz-Pritchard, Neighborhood Services Director/City Planner

TaxKey	Owner1	Owner2	Address1	City	State	Zip
/A380200001	CASA BELLA MARIA LLC	ATTN MICHAEL DEVITT	13611 NOGALES DR	DEL MAR	CA	92014-0000
/A380200002	CASA BELLA MARIA LLC	ATTN MICHAEL DEVITT	13611 NOGALES DR	DEL MAR	CA	92014-0000
/BIR 00014	CRAIG A POPE		PO BOX 2467	JANESVILLE	WI	53547-0000
/BIR 00015	CRAIG A POPE		PO BOX 2467	JANESVILLE	WI	53547-0000
/BIR 00016	CRAIG A POPE		PO BOX 2467	JANESVILLE	WI	53547-0000
/BIR 00017A	ARTHUR W STRITZEL	KIRSTEN W STRITZEL	W396 S3675 HARDSCRABBLE RD	DOUSMAN	WI	53118-0000
/BIR 00018	ARTHUR GRAHAM		230 WOODLAND DR	WHITEWATER	WI	53190-0000
/BIR 00018A	GROVE ROAD PROPERTIES LLC		N8508 TOWNLINE RD	EAST TROY	WI	53121-0000
/BIR 00019	TIMOTHY J FREDRICKSON	JOYCE ROGAN	W3246 LAKE FOREST LN	LAKE GENEVA	WI	53147-0000
/BIR 00020	ARTHUR M COLEMAN		403 S WHITON ST	WHITEWATER	WI	53190-0000
/BIR 00020A	JEFFREY S PETERSEN TRUST	LAUREL A PETERSEN TRUST	N9211 WOODED CT	WHITEWATER	WI	53190-0000
/BIR 00021	EDWARD A PARKER	ANN MARIE PARKER	345 S WHITON ST	WHITEWATER	WI	53190-0000
/BIR 00022	BEVERLY J STONE	DAVID N STONE	PO BOX 291	WHITEWATER	WI	53190-0000
/BIR 00023	DLK ENTERPRISES INC		PO BOX 239	WHITEWATER	WI	53190-0000
/BIR 00030B	ALVIN T OBENAUER	LETA L OBENAUER	336 S SUMMIT ST	WHITEWATER	WI	53190-0000
/BIR 00031	SHARON ANN BEHSELICH		344 S SUMMIT ST	WHITEWATER	WI	53190-0000
/BIR 00032	STRITZEL RENTAL PROPERTIES LLC		530 S JANESVILLE AVE	WHITEWATER	WI	53190-0000
/BIR 00033	NATHAN SCHOENBORN		W8099 CLOVER VALLEY RD	WHITEWATER	WI	53190-0000
/BIR 00034	J&S SUMMIT LLC		PO BOX 486	EAST TROY	WI	53120-0000
/BIR 00034A	LAND & WATER INVESTMENTS LLC		503 CENTER ST	LAKE GENEVA	WI	53147-0000
/BIR 00035	JEFFREY S MILES	INGER J MILES	958 W CHARLES ST	WHITEWATER	WI	53190-0000
/BIR 00036	ROBERT L GAVERS	LUCILLE A GAVERS	13211 CHARLES RD	WOODSTOCK	IL	60098-0000
/BIR 00046	BLAIR A GERARD	CINDY M GERARD	544 STRATFORD CT	FT ATKINSON	WI	53538-0000
/BIR 00046A	LAWRENCE M KENNEY		PO BOX 387	WHITEWATER	WI	53190-0000
/BIR 00046B	SUSAN M SWOBODA		426 S WHITON ST	WHITEWATER	WI	53190-0000
/BIR 00046C	JUAN M GOMEZ	MARIA D GOMEZ, ETAL	410 WHITON ST	WHITEWATER	WI	53190-0000
/BIR 00054	STACEY M HANSON		348 S WHITON ST	WHITEWATER	WI	53190-0000
/CL 00075	COTTAGE STREET LLC		7045 FRIISGARD WAY	WIND LAKE	WI	53185-0000
/CL 00076	TIMOTHY G O'DONNELL	NANCY H O'DONNELL	338 S COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00076A	GEORGE R WALTON TRUST		1005 W MAIN ST	WHITEWATER	WI	53190-0000
/CL 00077A	BRUCE L TRAXLER	JOYCE M TRAXLER	345 S SUMMIT ST	WHITEWATER	WI	53190-1734
/CL 00077B	LORENDA CEDARS	LAURENA R SCHMELING	518 WINWOOD CIR	EDGERTON	WI	53534-0000
/CL 00091	ANDREW P CHANNING		362 S JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00092	LEONARD KIENBAUM		358 S JANESVILLE ST	WHITEWATER	WI	53190-0000
/CL 00107	COLLEEN REDDY		370 S COTTAGE ST	WHITEWATER	WI	53190-0000
/CL 00108	RSS RENTALS LLC		W326S4587 BARSTELL RD	WAUKESHA	WI	53189-0000
/CL 00109	PARISH CONSULTING OF WISCONSIN LLC		N9548 KUCKKAN LA	WATERTOWN	WI	53094-0000
/CL 00110	THOMAS H PAULL	MARGARET H PAULL	420 JANESVILLE ST	WHITEWATER	WI	53190-0000
	JAMES & STEVIE TAYLOR		P O BOX 486	EAST TROY	WI	53120-0000



Neighborhood Services Department  
Planning, Zoning, GIS, Code Enforcement  
and Building Inspections

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
(262) 473-6143

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## CONDITIONAL USE PERMIT APPLICATION

Address of Property: 412 S. Summit Street, Whitewater  
Owner's Name: J&S Summit LLC  
Applicant's Name: James & Stevie Taylor (Members)  
Mailing Address: PO Box 486, East Troy, WI 53120  
Phone #: 262-352-7845 Email: stevie@jrtaylorandsons.com

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions):  
Lot 27 BLK 2 Birges Add. City of Whitewater

### **Existing and Proposed Uses:**

Current Use of Property: Single Family  
Zoning District: R-2  
Proposed Use: New Construction- 2 Family Attached Dwelling

**NOTICE:** The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

### Conditions

*The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.*

## APPLICATION REQUIREMENTS

### THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting - both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

**\*\*Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**



### STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	This project would increase the value of the property.
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Parking is being changed to accomodate the increase non related occupancy. Will also decrease street parking. Utilities would be upsized to accommodate occupancy.
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	The lot currently meets all building site and zoning district requirements with the exception of being short 44' on the width of the lot requirement 19.18.050- Lot width
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	The new 2 family dwelling would increase the quality and appearance of the surrounding neighborhood. It would improve the state of conditions compared to existing structure.

\*\*Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: \_\_\_\_\_

Date: 11/1/17

Printed: James R Taylor Jr

**TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT**

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. \$100.00 fee filed on 11-7-17. Received by: J. Legner Receipt #: 6013553  
11-28-17
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 11-30-17.
- 3) Notices of the Public Hearing mailed to property owners on 11-28-17.
- 4) Plan Commission holds the PUBLIC HEARING on 12-11-17. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

**ACTION TAKEN:**

Condition Use Permit: Granted \_\_\_\_\_ Not Granted \_\_\_\_\_ By the Plan and Architectural Review Commission

**CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:**

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\_\_\_\_\_  
Signature of Plan Commission Chairperson

\_\_\_\_\_  
Date

## **Tips for Minimizing Your Development Review Costs: A Guide for Applicants**

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

### **Meet with Neighborhoods Services Department before submitting an application**

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

### **Submit a complete and thorough application**

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

### **For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans**

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

## **For simpler projects, submit thorough, legible, and accurate plans**

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

## **Submit your application well in advance of the Plan and Architectural Review Commission meeting**

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

## **For more complex projects, submit your project for conceptual review**

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or

3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

### **Hold a neighborhood meeting for larger and potentially more controversial Projects**

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

### **Typical City Planning Consultant Development Review Costs**

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.



<b>Type of Development Review Being Requested</b>	<b>Planning Consultant Review Cost Range</b>
<b>Minor Site/Building Plan</b> (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
<b>Major Site/Building Plan</b> (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
<b>Conditional Use Permit with no Site Plan Review</b> (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Sup to \$600
<b>Rezoning</b>	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
<b>Land Division</b>	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
<b>Annexation</b>	\$200 to \$400

**\*\*Note:** The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

## Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

### Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant:	James & Stevie Taylor
Applicant's Mailing Address:	PO Box 486
	East Troy, WI 53120
Applicant's Phone Number:	262-352-7845
Applicant's Email Address:	stevie@jrtaylorandsons.com
Project Information:	
Name/Description of Development:	2 Family Attached Dwelling
Address of Development Site:	412 S. Summit Street
Tax Key Number(s) of Site:	/BIR 00034
Property Owner Information (if different from applicant):	
Name of Property Owner:	
Property Owner's Mailing Address:	

## Section B: Applicant/Property Owner Cost Obligations

\_\_\_\_\_ To be filled out by the Neighborhood Services Department \_\_\_\_\_

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

A. Application Fee.....\$ \_\_\_\_\_

B. Expected Planning Consultant Review Cost .....\$ \_\_\_\_\_

C. Total Cost Expected of Applicant (A+B) .....\$ \_\_\_\_\_

D. 25% of Total Cost, Due at Time of Application.....\$ \_\_\_\_\_

E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

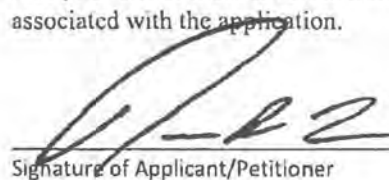
☐ ☐

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

## Section C: Agreement Execution

\_\_\_\_\_ To be filled out by the Applicant and Property Owner \_\_\_\_\_

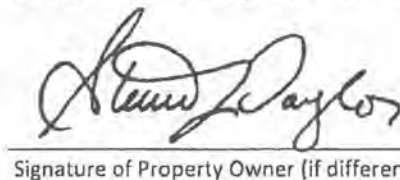
The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

  
\_\_\_\_\_  
Signature of Applicant/Petitioner

James Taylor

Printed Name of Applicant/Petitioner

11/1/17  
\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
Signature of Property Owner (if different)

Stevie Taylor

Printed Name of Property Owner (if different)

11/1/17  
\_\_\_\_\_  
Date of Signature

10



## Site Plan

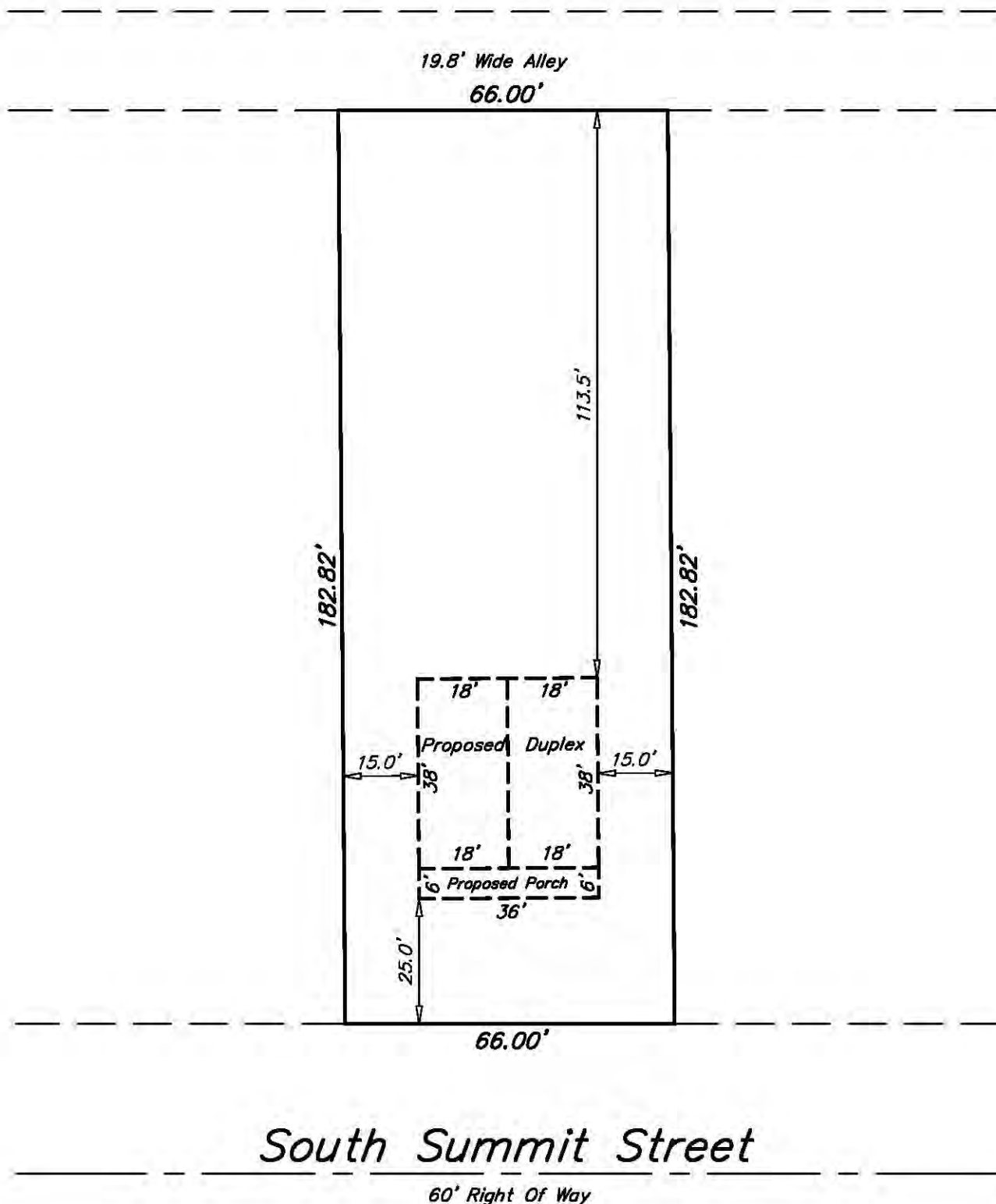
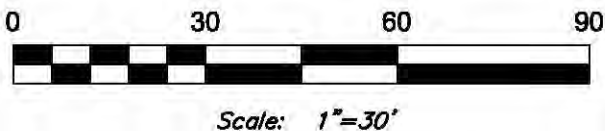
**Property Address:** 412 South Summit Street, Whitewater, Wisconsin

**Property Description:** Lot 27, Block 2, BIRGES ADDITION, in the Southeast 1/4 of Section 5, in Town 4 North, Range 15 East, in the City of Whitewater, Walworth County, Wisconsin.

June 28, 2012

Job No. 17127

Prepared For:  
James R. Taylor & Son's



# Southeast Survey LLC

**Professional Land Surveyors**  
W207 S8240 Hillendale Drive  
Muskego, WI 53150  
Phone: 414-429-4862  
Email: Mike@surveyse.com  
Website: surveyse.com



James & Stewie Taylor

412 S. Summit Street  
Whitewater, WI 53190

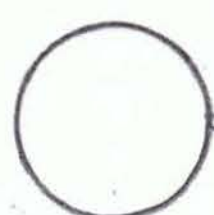
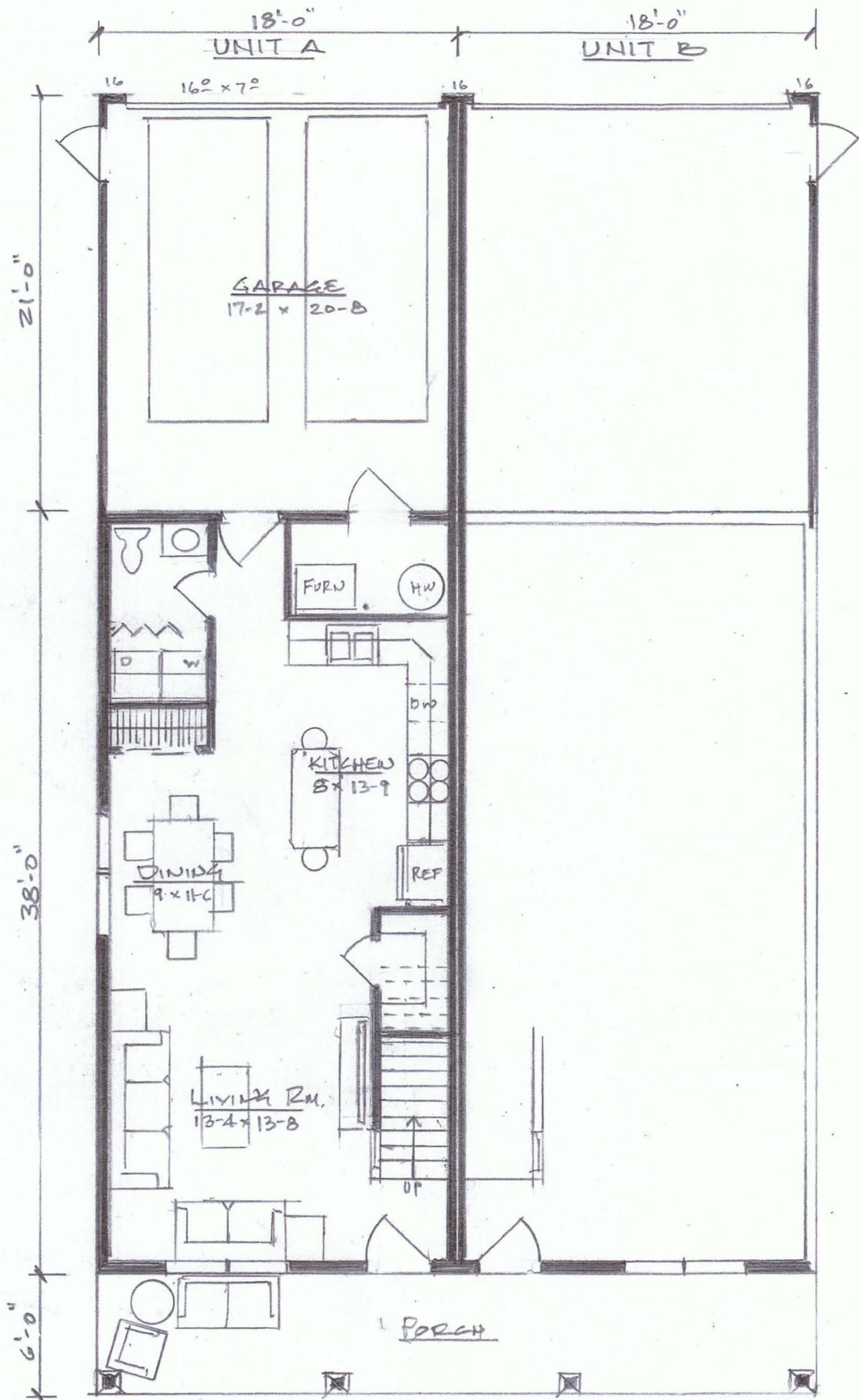


FRONT ELEVATION

$\frac{1}{8}'' = 1'-0''$

10.23.17



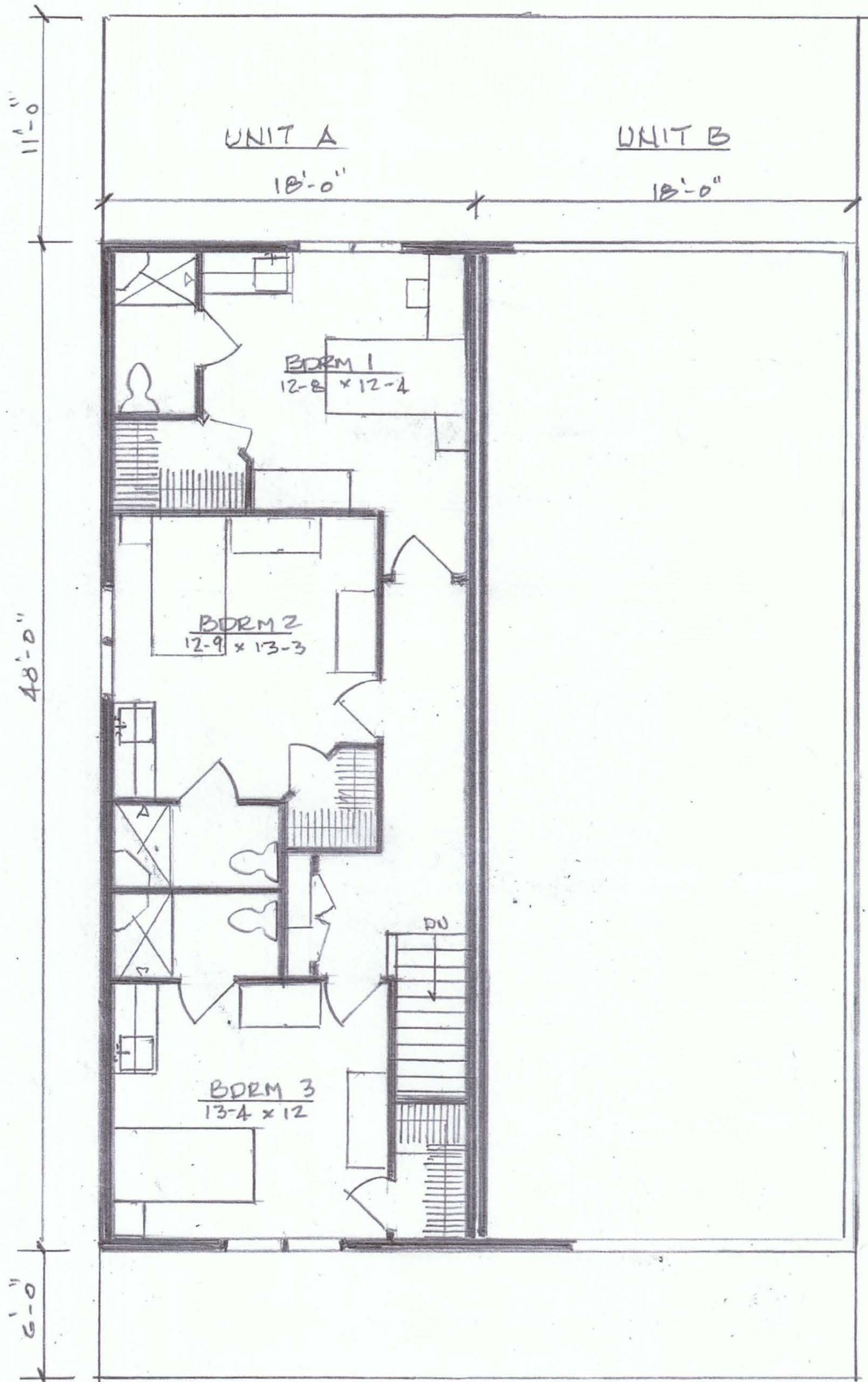


FIRST FLOOR

1/8" = 1'-0"

10. 23. 17

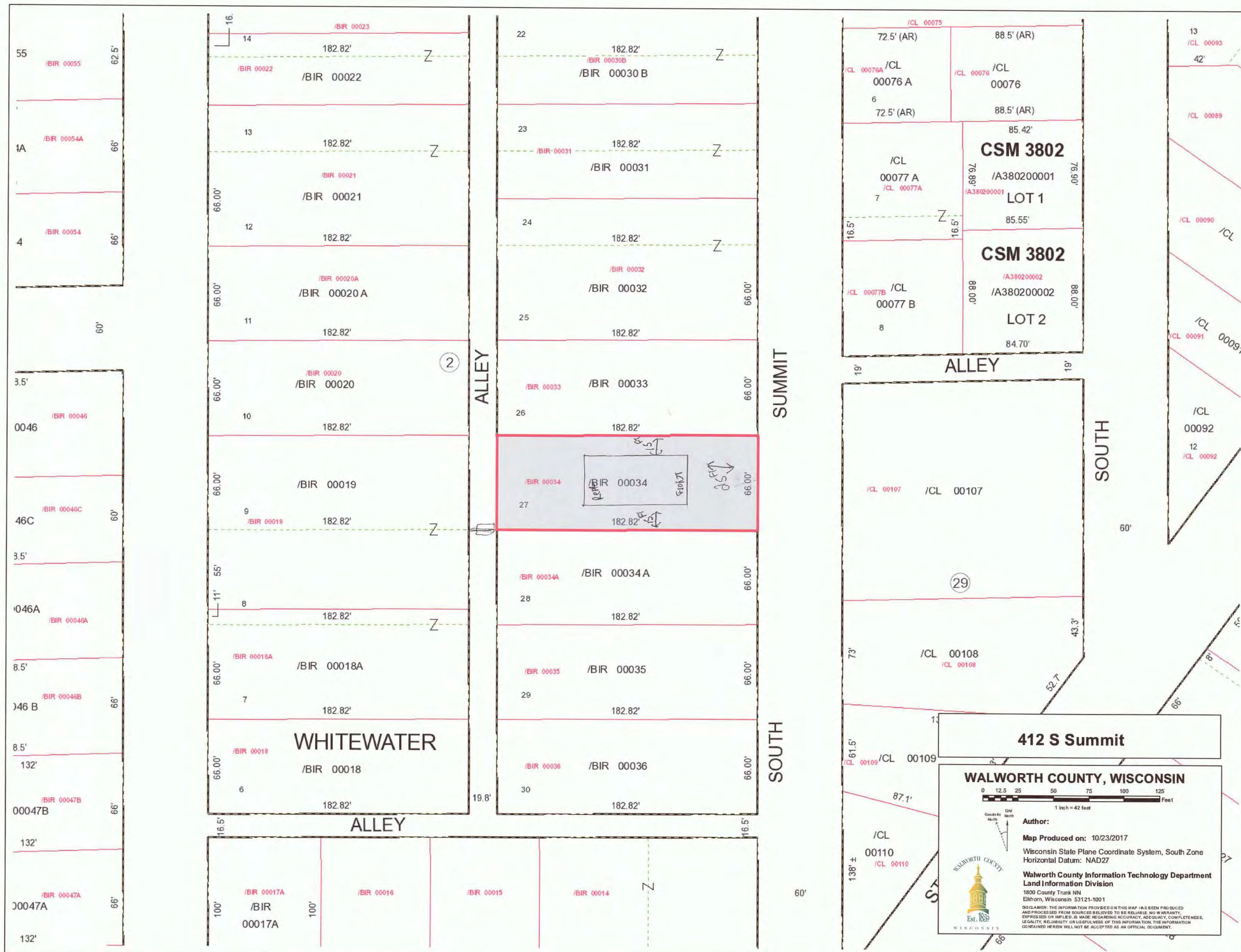




○ SECOND FLOOR  
 1/8" = 1'-0"

10.23.17







## MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission

From: Christine Munz-Pritchard City Planner

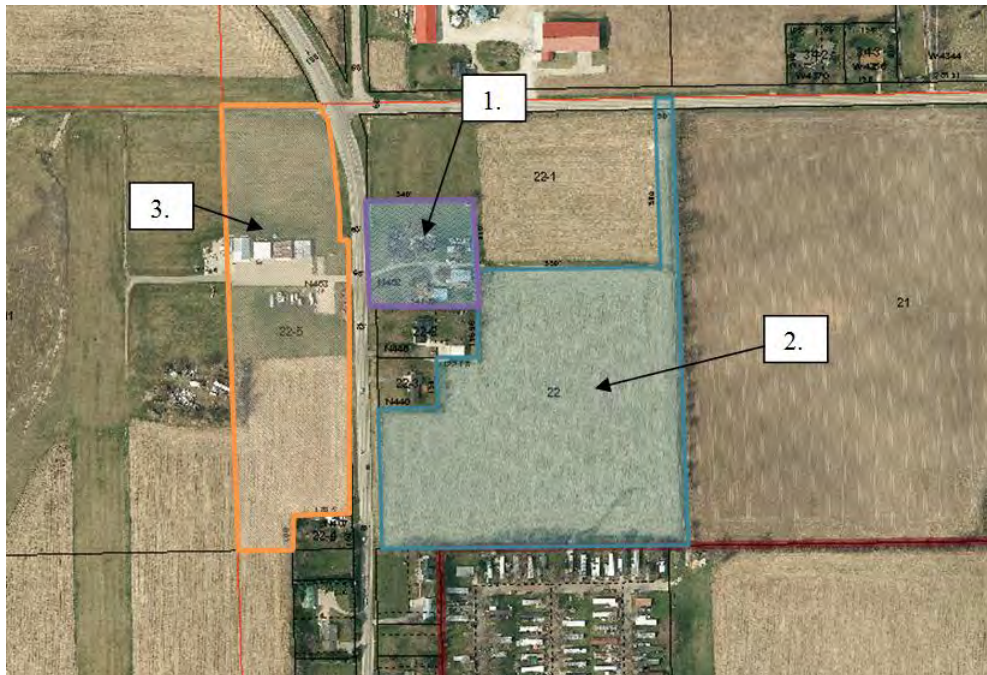
Date: December 11, 2017

Re: **Item # 6 Review** proposed Extra-territorial Jurisdiction Certified Survey Map at N 462 Tratt Street at NW ¼ of the NW ¼ of Section 32, Town 05 North, Range 15 East in the Town of Cold Spring, Jefferson County, Wisconsin Parcel Number 004-0515-3222-000.

### Requested Approval:

Eugene Gutzmer Jr. (surveyor is Mark Mirtz of Land Mark Surveying) is requesting to create three (3) lots. The lot is currently zoned Industrial, and will be re-zoned to R-2. The parcel is located in the Town of Cold Spring, Jefferson County, Wisconsin. The parcel originally was 28.305 acres and will be split into the following (see corresponding numbers below):

1. N462 Tratt St, 2.30 acres zoning change from Industrial to R-2.
2. Field to SE of N462, 15.22 acres, remains zoned industrial.
3. N463 Tratt St, 9.29 acres remains zoned industrial with a new parcel # 004-0515-3222-005 west of Highway N.



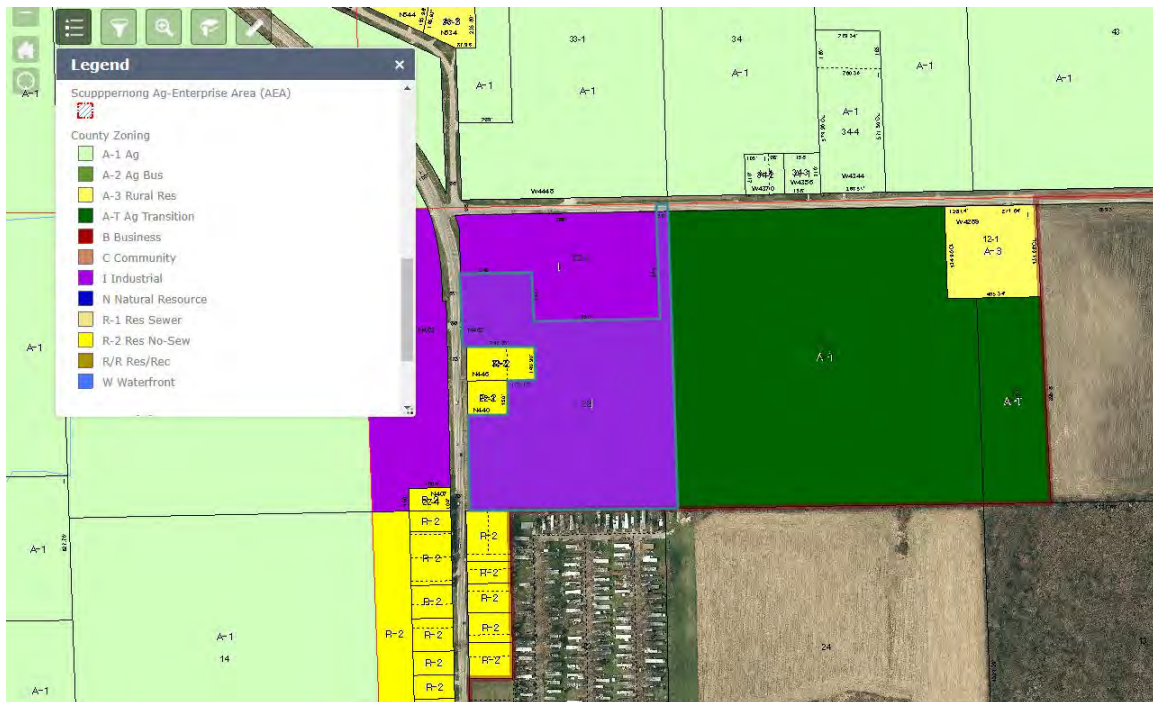
### LOCATION

N 462 Tratt Street at NW ¼ of the NW ¼ of Section 32, Town 05 North, Range 15 East in the Town of Cold Spring, Jefferson County, Wisconsin Parcel Number 004-0515-3222-000.

## PLANNER'S RECOMMENDATIONS CSM:

This preliminary CSM complies with all design standards and general provisions of the City Code Section 18.04.048 Extra-territorial subdivisions. I recommend that the Plan and Architectural Review Commission approve the Certified Survey Map with the following requirements:

1. The applicant shall meet all conditions set by Jefferson County and Town of Cold Spring for final approval. Recommendations to the County and Town:
  - a. A re-zone of the parent parcel lots to meet zoning code.
  - b. Compliant with the Farmland Preservation Plan.
2. Final CSM shall be reviewed by City Staff and recorded with Jefferson County.







NOTICE OF EXTRA-TERRITORIAL REVIEW

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 11th day of December 2017 at 6:30 p.m. to review extra-territorial certified survey map and rezoning from Industrial to R-2 for the parcel located at N462 Tratt Street for Eugene Gutzmer Jr.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540



Chris Munz-Pritchard, Neighborhood Services Director/City Planner

Eugene Gutzmer, Jr  
564 5<sup>th</sup> St SW  
Pine Island, MN 55963  
507-358-3027

November 17, 2017

City of Whitewater  
Attn: Neighborhood Services  
PO Box 178  
Whitewater WI 53190

Ref: Rezoning of 004-0515-3222-000

Enclosed you will find the following:

- 1) Completed Plan Review Application.
- 2) Overview map showing general area around the parcel just north of Whitewater.
- 3) Preliminary Certified Survey to be provided by Mark Miritz of Land-Mark Surveying.
- 4) A check for \$100.
- 5) Copy of the Domiciliary Letter.


The request is to separate the parcel at N462 Tratt St, 004-0515-3222-000, into three separate parcels and rezone N462 Tratt St. from Industrial to R-2. The parcel originally was 28.305 acres and will be split into 3 pieces as follows:

- 1) N462 Tratt St, approx 2.30 acres. Zoning change from Industrial to R-2.
- 2) Field to SE of N462, approx 15.22 acres. Remains zoned Industrial.
- 3) N463 Tratt St, approx 9.92 acres. Remains zoned Industrial. New parcel, 004-0515-3222-005, created for land west of Hwy N.

The land is owned by my late father, M. Eugene Gutzmer, Sr. I have been named his Personal Representative and the Domiciliary Letter is on record with Jefferson County and a copy is enclosed.

If you require any additional information please contact me by phone (507) 358-3027 or by email [megutzmer@gmail.com](mailto:megutzmer@gmail.com).

Sincerely,



Eugene Gutzmer, Jr.

**NOTICE:** The Plan Commission meetings are scheduled on the 2nd Monday of each month. All completed plans must be in by 9:00 a.m. four weeks prior to the scheduled meeting. If not, the item will be placed on the next available Plan Commission meeting agenda.

CITY OF WHITEWATER  
PLAN REVIEW APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 11-18-17.
2. Agenda Published in Official Newspaper on 12-7-17.
3. Notices of the public review mailed to property owners on 11-28-17.
4. Plan Commission holds the public review on 12-11-17.  
They will hear comments of the Petitioner and comments of property owners.  
Comments may be made in person or in writing.
5. At the conclusion of the public review, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.63 of the City of Whitewater Municipal Code of Ordinances, entitled PLAN REVIEW, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

City of Whitewater  
Application for Plan Review

**IDENTIFICATION AND INFORMATION ON APPLICANT(S):**

Applicant's Name: Eugene Gutzmer, Jr (PR)

Applicant's Address: 564 5th St SW, Pine Island MN 55963

Phone # (507) 358-3027

Owner of Site, according to current property tax records (as of the date of the application):

Eugene Gutzmer, Sr.

Street address of property: N462 Tratt St, Whitewater WI 53190

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

Parcel 004-0515-3222-000 in Jefferson County and includes N462 & N463 Tratt St.

NW1/4 NW1/4. EX .77A IN 334- 59. EX 1.17A IN 400-539. EX 8.57A IN 392-498.

EX .41A IN 426-419. EX LD IN CTH N IN 311-87.

N463 has been separated into parcel 004-0515-3222-005

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual:

Name of Firm:

Office Address:

Phone:

Name of Contractor:

Has either the applicant or the owner had any variances issued to them, on any property? ☐ YES ☐ NO  
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

**EXISTING AND PROPOSED USES:**

**Current Land Use:**

Principal Use: Zoned as Industrial but currently used as residential.

Accessory or Secondary Uses:

**Proposed Use**

Split property into two parcels. Convert one parcel from Industrial to R-2. Leave the other parcel as Industrial.

Cold Springs Township approved the rezoning request on Nov 9, 2017. Jefferson County will review rezoning request on Dec 21, 2017.

No. of occupants proposed to be accommodated: single family

No. of employees:

Zoning District in which property is located:

Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:



### PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

### PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

### STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	
B. The proposed development will be consistent with the adopted city master plan;	
C. The proposed development will be compatible with and preserve the important natural features of the site;	
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Surrounding properties are R-2. This change will be consistent with current use and neighboring properties.

STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	
<p>F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;</p>	
<p>G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;</p>	
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	

## CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved uses. Conditions can deal with the points listed below (Section 19.63.080). Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Plan Review" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.

 (PR)  
Applicant's Signature

11-17-17  
Date

### APPLICATION FEES:

*Fee for Plan Review Application: \$100*

Date Application Fee Received by City 11-21-17 Receipt No. 6.013552

Received by J. Wegner

### TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 11-28-17 (Only 1 property owner in City)  
Date set for public review before Plan & Architectural Review Board: 12-11-17

#### ACTION TAKEN:

Plan Review: \_\_\_\_\_ Granted \_\_\_\_\_ Not Granted by Plan & Architectural Review Commission.

#### CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

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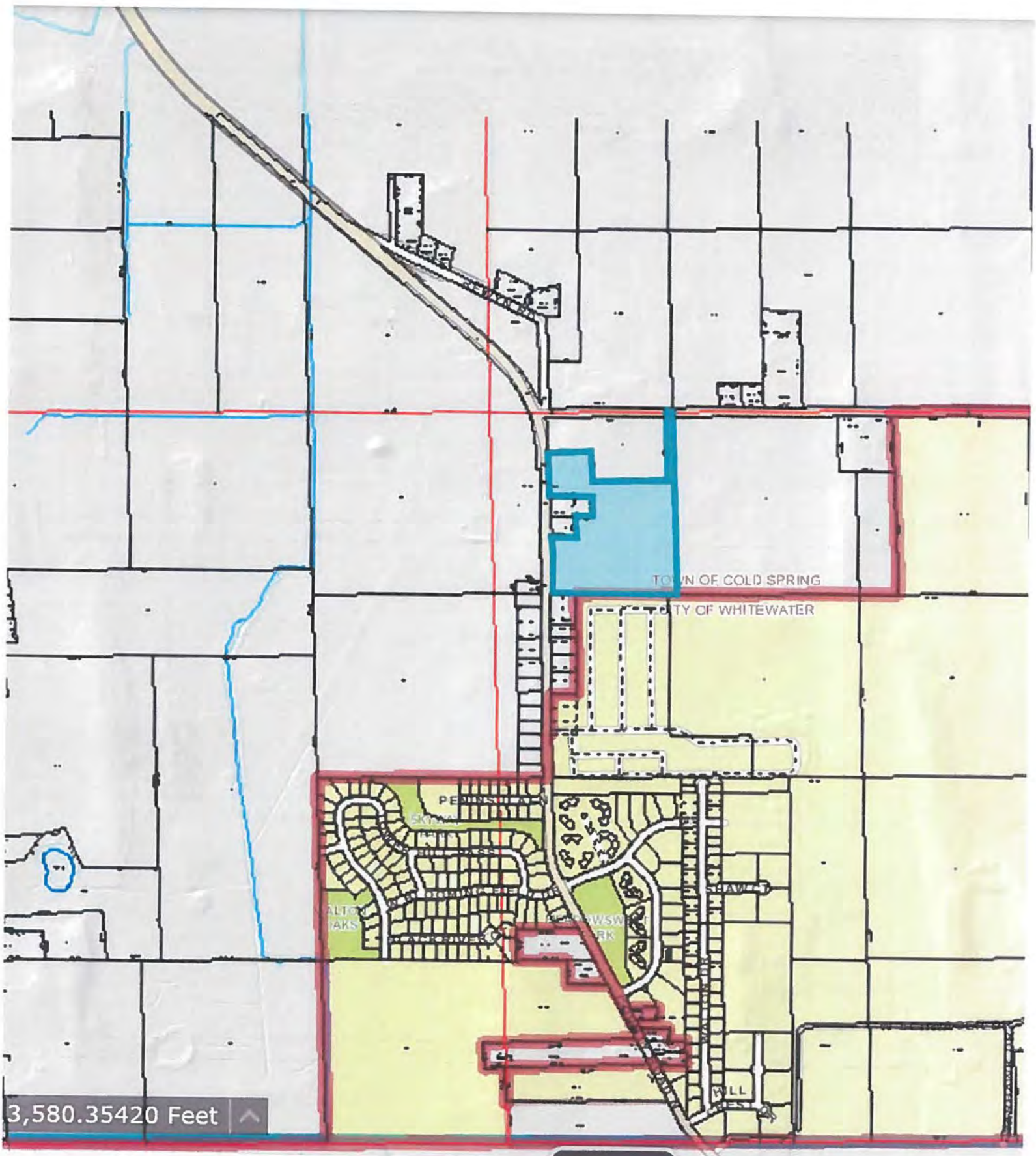
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\_\_\_\_\_  
Signature of Plan Commission Chairman

\_\_\_\_\_  
Date



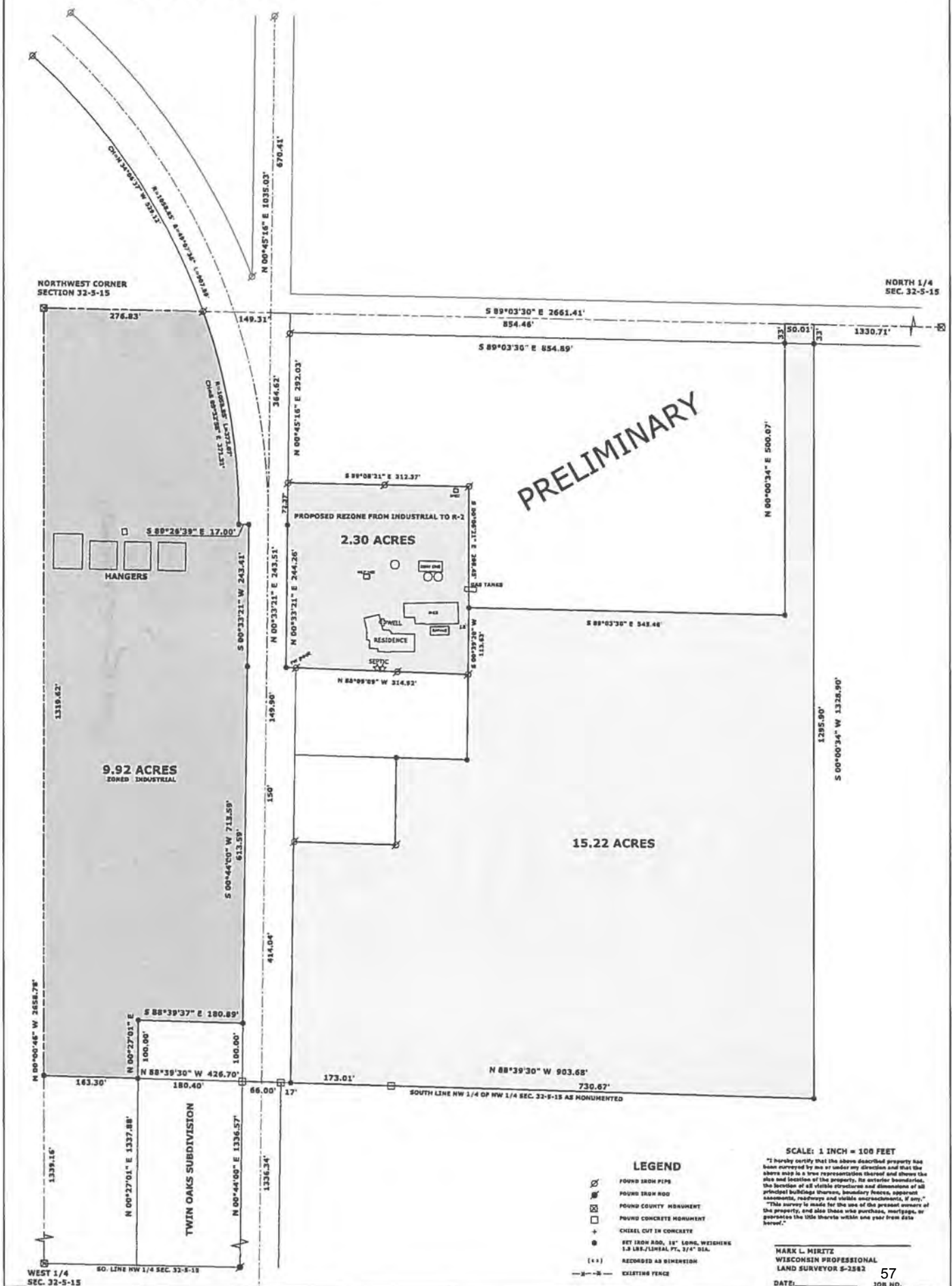


# LAND-MARK SURVEYING

Mark L. Mintz  
Wisconsin Professional Land Surveyor S-2582

N9330 Knutasen Drive  
Whitewater, WI 53190  
Phone: (262) 495-3384  
MARKH@MINTZ.COM  
LAND-MARKSURVEYING.COM

## PLAT OF SURVEY



STATE OF WISCONSIN, CIRCUIT COURT, JEFFERSON COUNTY

IN THE MATTER OF THE ESTATE OF

☐ Amended

MERRILL EUGENE GUTZMER, SR.

**Domiciliary Letters**

☒ Informal Administration  
☐ Formal Administration

Case No. 17 IN 47

**FILED**

**JUN 23 2017**

Jefferson County  
Circuit Court

To: Merrill Eugene Gutzmer, Jr.  
564 5<sup>th</sup> S.W.  
Pine Island, MN 55963

The decedent, with date of birth 11/05/37 and date of death May 26, 2017  
was domiciled in Jefferson County, State of Wisconsin

You are granted domiciliary letters with general powers and duties of a personal representative.

You are authorized to administer the estate as required by law.

Other: \_\_\_\_\_



LETTERS ISSUED BY:  
  
Circuit Court Judge/Circuit Court Commissioner/Probate Registrar

**PAUL R. NOWAKOWSKI**

Title (Print or Type Name if not eSigned)

6/23/2017

Date

Form completed by: (Name) <b>SOFFA &amp; DEVITT LLC</b>	
Address 332 W. Whitewater Street Whitewater, WI 53190	
Telephone Number 262-473-5105	Bar Number (if any) 1014346

STATE OF WISCONSIN  
CIRCUIT COURT - PROBATE BRANCH  
JEFFERSON COUNTY

THIS DOCUMENT IS A FULL, TRUE AND  
CORRECT COPY OF THE ORIGINAL ON  
FILE AND OF RECORD IN MY OFFICE.  
LETTERS ARE STILL IN FULL FORCE  
AND EFFECT.

July 5, 2017  
REGISTER IN PROBATE  
  
REGISTER IN PROBATE

**RECEIVED**

**JUN 19 2017**

Jefferson County  
Circuit Court





## NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that the City of Whitewater Plan and Architectural Review Commission will continue the Public Hearing from the October 9<sup>th</sup>, 2017 Plan Commission meeting to recommend an Amendment to the City of Whitewater Comprehensive Plan on December 11<sup>th</sup>, 2017 at 6:30 p.m. in the Whitewater Municipal Building Community Room.

Please understand that the recommendation is to change the Future Land Use map. This is **not** a re-zoning of property, nor is there a development being proposed. The Future Land Use map provides a generalized view of how land in the District is planned to be used. It does not necessarily show land use as it exists today, and it does not show zoning information. The following is a summary description of the designation found on page 66 of the proposed Comprehensive Plan: Per the direction of the Plan Commission, we will review the description of Mixed Use.

Mixed Use: A carefully designed blend of commercial, office, higher density residential, and/or institutional land uses, usually as part of a Planned Community Development zoning project. Mixed Use areas are intended to be vibrant places that also function as gathering spots.

The Comprehensive Plan and the proposed amendments are available for review at City Hall and on the City of Whitewater web site [www.whitewater-wi.gov](http://www.whitewater-wi.gov).

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED CHANGE MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540.

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Chris Munz-Pritchard, Neighborhood Services Director/City Planner





## NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that the City of Whitewater Plan and Architectural Review Commission will hold Public Hearing to recommend an Amendment to the City of Whitewater Comprehensive Plan on October 9th, 2017 at 6:30 p.m. in the Whitewater Municipal Building Community Room.

There is a proposed change to the Future Land Use map in the City Comprehensive Plan. The City Council requested a letter be mailed to property owners. This includes property's that are within 800 feet of this property along Walworth Ave to Elizabeth Street.

Please understand that the recommendation is to change the Future Land Use map. This is **not** a re-zoning of property, nor is there a development being proposed. The Future Land Use map provides a generalized view of how land in the District is planned to be used. It does not necessarily show land use as it exists today, and it does not show zoning information. The proposed change applies to tax parcel /WUP 00325 which is currently designated as a Future Neighborhood use is being proposed to be changed to Mixed Use on the Future Land Use plan. The following is a summary description of each of the designations found on page 66 of the proposed Comprehensive Plan:

Future Neighborhood (on Future Land Use map only): A carefully planned mix of primarily single-family residential development, including some two-family, higher density residential and neighborhood-compatible business and institutional uses that are consistent with the residential character of the area.

Mixed Use: A carefully designed blend of commercial, office, higher density residential, and/or institutional land uses, usually as part of a Planned Community Development zoning project. Mixed Use areas are intended to be vibrant places that also function as gathering spots.

The Comprehensive Plan and the proposed amendments are available for review at City Hall and on the City of Whitewater web site [www.whitewater-wi.gov](http://www.whitewater-wi.gov).

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED CHANGE MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540.

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Chris Munz-Pritchard, Neighborhood Services Director/City Planner



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW  
COMMISSION HOUSING SUB-COMMITTEE MINUTES  
NOVEMBER 15, 2017

Chris Munz-Pritchard of the City of Whitewater opened the meeting. Committee Members in attendance were: City of Whitewater City Planner Chris Munz-Pritchard, Plan Commission Member Sherry Stanek, Plan Commission Member Greg Meyer, Plan Commission Member (Alternate) Andrew Crone. Others in attendance were: Jeff Knight (GWC), Bob Freiermuth (Sr.), Bob Freiermuth (Jr.), Mike Maas, John Marshall.

1.	<p><b>Review of 2009 Housing Survey</b></p> <ul style="list-style-type: none"> <li>•UW-W Student Off-Campus Housing Survey</li> <li>•Citizen Off-Campus Housing Survey</li> </ul> <p>City Planner Chris Munz-Pritchard had thought they could build off these 2009 Housing Surveys, but will not be able to because it is more of a questionnaire rather than a projection for housing.</p>
2.	<p><b>Goals for Housing Survey.</b> Representatives from the GWC (Greater Whitewater Committee) were at the meeting. They are working on a housing survey to see what can be done in order to get more single family homes into Whitewater. They have met with the Chancellor and Joel Nilsestuen in regard to the housing status at the University. They have finalized numbers for the University housing as of November 10, 2017. As soon as the University has their calculations complete, they will share them with the GWC and the City. They will have something to work with if they put these numbers with the community numbers.</p> <p>Jeff Knight explained the on campus housing, what was available, and how it worked with the new construction and remodeling of the residence halls. As of recently, the University and the Community have been working together to do better planning for the housing of Students on and off campus. There is also a problem with getting outside developers to come to the City of Whitewater because of stories or perceptions of the processes for approval. He has had a conversation with the City Manager to find out if the problems came before the Zoning Rewrite happened. Have we marketed the changes in the Zoning Rewrite? When we meet with developers, we want to let them know that things have changed. Jeff Knight is working with the University in regard to enrollment and how it affects the CWG members, and how to get single family homes into Whitewater. The Whitewater School District desperately needs more families in Whitewater. The School District enrollment is down. The next six years, the High School enrollment will be way down. This years' Freshman class for UW-Whitewater, has been the largest decrease in the UW System this fall. Jeff Knight and the GWC are going to keep driving to find a solution. They are expecting to finish their housing study in six months. Their goal is to meet every three weeks. Jeff Knight's suggestion for rehabbing homes would be to look to the CDA for CDBG loan 0% financing loans.</p> <p>City Planner Chris Munz-Pritchard asked how we want to proceed: moratoriums for large developments; due diligence – show the need; figuring out a policy for when proposals are turned in. Housing Sub-Committee Members voiced that why this all started is the Plan Commission wants more information so they can make informed decisions; when developers come across</p>

	<p>problems, they come to the City to fix the problem – they need to do the research going into the development. Expect the developers to do the market research. Policy step - show ability and why going to exceed. Heightened criteria for short period of time.</p> <p>Jeff Knight stated that laws changed ADA and first floor properties. In other communities they were able to submit their proposals and do their development. In Whitewater they came into a lot of resistance. Jeff Knight stated that he lost 2 years of his life with the Zoning Rewrite and he does not want to do it again. Jeff Knight suggested that it would be wise for the Housing Sub-Committee to slow down until we get the information from the University.</p> <p>The Housing Sub-Committee decided to hold off on a housing survey until the GWC has finished and then the City can build on their study. In the mean time, the Housing Sub-Committee could look at policy internally.</p>
3.	<p><b>Discussion of Meeting Times and Timeline for the project.</b> The GWC (Greater Whitewater Committee) will have their next meeting on December 1, 2017 at 7:00 a.m. at Jessica’s Restaurant. The Housing Sub-Committee decided to have their next meeting after the GWC meeting so they could benefit from their information. The next meeting of the Plan and Architectural Review Commission Housing Sub-Committee is scheduled for December 13, 2017 at 6:00 p.m. at the Whitewater Municipal Building in the City Manager Conference Room.</p>
4.	<p><b>Topics for next meeting.</b> Chris Munz-Pritchard requested that the Sub Committee members email her with topics they would like to discuss and what policies they want to look at.</p>
5.	<p><b>Adjournment.</b> Moved by Andrew Crone to adjourn. Unanimous approval.</p>